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Manitoba
Energy and Mines

A GUIDE TO LEGISLATION AFFECTING THE MINERAL INDUSTRY OF MANITOBA

Winnipeg
1984

PREFACE

The purpose of this publication is to provide a guide to the various statutes and regulations which apply to mineral resource activities in the Province of Manitoba. Mineral resource activities are considered under three broad but distinct sectors, Mining, Quarrying, and Oil and Gas. Each of these sectors is dealt with in five phases or sections namely, Prospecting and Exploration, Mine/Quarry/Well Development and Production, Environmental Controls, Abandonment and Rehabilitation, and Royalty/Tax Charges. Such a system lends itself to easy reference for specific interest while at the same time providing a comprehensive reference source. To make each section self-contained, repetition of statutory requirements has sometimes been necessary. In the preparation of this Guide, consideration was given primarily to the need to guide new entrants to the mineral resource field in Manitoba through the maze of existing statutes, but it is hoped that this publication will also be helpful to resident operators, to government officials who deal with one facet or another of the mineral industry and to the interested public. The loose leaf format adopted lends itself to easy and less costly updating from time to time.

The publication has focused primarily on statutes of Manitoba but where relevant, attention is drawn to applicable statutes of the Government of Canada.

As the title suggests, this publication is intended only as a "guide" to operators to identify those statutes and regulations appropriate to their sphere or phase of activity, and is not by any means a detailed explanation of the mining legislation. At the end of each section the applicable provincial statutes are listed, the administering agency given, and the contact for further assistance or clarification identified. Applicable Government of Canada statutes are also listed with the administering agency and a note on their relevance. The user is recommended to read the appropriate statutes and to make use of the contacts named for details and procedures relating to those statutory requirements.

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***Director of Mines:** W.A. Bardswich
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Mining Recorder's Offices

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PROSPECTING AND EXPLORATION

Authority to Prospect and Explore

Any person may prospect and explore for Crown minerals on Crown lands that are not already under disposition or are not specifically excluded from such activities.

Some mineral rights, especially in the southwestern part of the province, are privately owned (freehold) and the right to prospect and explore for minerals in these land must be negotiated with the owner. Ownership of the freehold minerals on any parcel of land may be determined by an examination of the records in the appropriate Land Titles Office.

With the exception of a holder of a mineral disposition operating over the area of the mineral disposition, a licence is required to operate geophysical or geochemical equipment from within an aircraft for the purpose of mineral exploration over any part of Manitoba. Such a licence may be obtained from the Mining Recorder in Winnipeg by written application accompanied by a fee of $100 and a cash deposit of $20,000, the latter of which is refunded upon submission of a complete report of the survey within three years of the date of expiration of the licence. The term of a licence is one year.

The Mines Act (Cap. M 160)
-MR 147/81 Sec. 37-42

The Corporations Act (Cap. C 225)
The Business Names Registration Act (Cap. B 110)

Any company wishing to do business in Manitoba must be registered under The Corporations Act and the Workers Compensation Act.

The Workers Compensation Act (Cap. W 200)

Any sale or offer of shares as securities to the public by any syndicate, including a prospecting syndicate, must be approved by the Securities Commission.

The Securities Act (Cap. S 50)

Acquisition of Exclusive Right to Prospect or Explore for Minerals

To obtain the exclusive right to prospect and explore for Crown minerals, a disposition must first be obtained from the Crown, or in the case of freehold minerals, a lease or agreement must be negotiated with the owner.

Dispositions for Crown minerals for prospecting and exploration are issued by the Mining Recorder's Office of Manitoba Energy and Mines and may be in the form of a **Permit** or **Claim.**

The Mines Act (Cap. M 160)

A **Permit** may be held for three years if the work commitment for each year is satisfied and a statement of expenditures and report of work is submitted at the end of each year.

-MR 147/81 Sec. 3(1)-36(2)

Special terms and conditions apply to the issuance of an Exploration Permit to explore for potash.

-MR 97/80

A **Claim** has an initial validity of two years and thence may be renewed from year to year subject to the work commitment, submission of work reports and other terms and conditions required by the regulation. The holder of a claim has the exclusive right to explore and develop all minerals found in place within the area of the claim.

Access to the Surface of Lands for Exploration and Mining Related Activities

The staking of a mining claim or issuance of a disposition does not grant to the holder exclusive right to the surface but does grant access for the purpose of conducting exploration. Exclusive right to use of the Crown surface may be had by obtaining a **surface permit** or **lease.** A surface permit or lease is required in all cases when a building or structure is to be erected or continued use of the surface is required.

The Crown Lands Act (Cap. C 340)

Certain Crown lands may be set aside for various public and private purposes, e.g. provincial forest, forest management licences, parks, wildlife areas, sanitary areas, and various other forms of terminable leases, in which case specific permission must be obtained from the appropriate agency for entry on to those areas for mining activities. Prior to undertaking any activity in a forested area or a provincial park, occupancy and work permits must be obtained from the agency responsible for the administration of the applicable statutes. These permits may set out general conditions for the prevention of forest fires and other conditions that are specific to the activity location.

The Forest Act (Cap. F 150)
The Provincial Park Lands Act (Cap. P 20)
·MR 199/74, Sec. 4(5), 12, 13, 15
The Wildlife Act (Cap. W 140)
The Mines Act (Cap. M 160)
·MR 147/81 Sec. 4(1), 64(1)
The Historic Site and Objects Act (Cap. H 70)

All timber cut, harvested or removed from any Crown lands as a result of mining related activities should be done under the authorization of a timber cutting permit. The timber cutting permit should be acquired prior to any such undertaking.

Work permits relative to Forest Protection and fire control must be obtained from the Manitoba Natural Resources prior to any mining related activity being undetaken in the wooded zone.

The Fires Prevention Act (Cap. F 80)

Exploration, development and extraction of mineral resources are prohibited in National Parks.

National Parks Act (R.S.C. 1970, C. n-13)

To prospect, explore or mine in an Indian Reserve where mineral rights are not owned by the province, a licence or permit must be obtained from the federal Department of Indian and Northern Affairs. Approval of the Indian Band is required before a licence or permit is granted.

The Indian Act (R.S.C. 1970, C. I-6)

Staking, mineral exploration and mineral extraction are prohibited in Indian Reserves.

The Mines Act (Cap. M 160)
·MR 147/81 Sec. 64(1)

The right to enter on any freehold land must be obtained from the owner of the surface. In the event that the holder of the mineral rights cannot reach agreement with the owner of the surface, the matter may be referred to the Mining Board which will hear the case and determine the terms and compensation under which entry may be granted.

The Mines Act (Cap. M 160) Sec. 20 & 21

Drilling Activities

Reports of drilling activities, the man/hours worked and any accidents involving lost time injuries are required to be reported monthly.

The Mines Act (Cap. M 160) Sec. 43

A permit must be obtained from the Mining Recorder's Office in Winnipeg prior to drilling for industrial minerals. This permit will stipulate conditions that must be met for the protection of the groundwater and other natural resources during drilling and after drilling is completed.

The Industrial Minerals Drilling Act (Cap. I 20)

Explosives and Blasting

Explosives must be transported, stored and used in a safe manner in accordance with specific requirements. There are specific requirements for magazines used for the storage of explosives and no explosives may be abandoned at any work site. Every person doing blasting must hold a valid blasting certificate which is issued by the manager of the property or when a person is self-employed, by the mines inspector.

The Explosives Act (Canada) (R.S.C. 1970, E-15) and Explosives Regulation (P.C. 1956-349)
The Mines Act (Cap. M 160)
-MR 254/73 Sec. 7.02
Sec. 7.25

The blending of AN/FO or manufacture of explosives by any means must be done in accordance with a licence issued by the Chief Inspector of Explosives (Canada) and permission of the Chief Mining Engineer (Manitoba).

The Explosives Act (Canada) (R.S.C. 1970, E-15)
- Ammonium Nitrate and Fuel Order (P.C. 1957-335)

When purchasing explosives a person will be asked to show his magazine licence number and his blasting certificate.

The Mines Act (Cap. M 160)
-MR 254/73 Sec. 7.06)

Information & Assistance

The holder of a claim is entitled to free assays of samples on the basis outlined in the regulation.

The Mines Act (Cap. M 160)
-MR 147/81 Sec. 15(1)-15(5)

Mining claim maps may be obtained from the Mining Recorder's Office located in Winnipeg and The Pas. Information concerning mineral dispositions may also be obtained from the Mining Recorder's Office upon payment of a search fee.

Geological information in the form of maps and reports produced by staff of the Department are available at the publications counter of the Mineral Resources Division, located in the Exploration Services Section at 540-330 Graham Avenue Winnipeg. Reports of work contained in open assessment files can also be examined at the above location and at the Mining Recorder's Office at The Pas.

Camp Requirements

The establishment and maintenance of an industrial or construction camp is governed by a number of requirements including those for fire protection, sanitary facilities, waste disposal, contracting for medical services, and provision of first aid facilities.

The Public Health Act (Cap. P 210)
-MR 95/74 (Am. 256/76)
-MR P 210-R3
-MR P 210-R5
The Workplace Safety and Health Act (Cap. W 210)
-MR 210/77
-MR 207/77
The Fires Prevention Act (Cap. F 80)

Construction and industrial camps of the portable type (not tents) must be approved under the Buildings and Mobile Homes Act, The Gas and Oil Burner Act and The Electricians' Licence Act. Plans and Specifications for all proposed camps consisting of more than two mobile units connected together, or any additions to an established camp must be submitted for prior approval. Approved camps may be subject to inspection from time to time.

The Buildings & Mobile Homes Act (Cap. B93)
The Gas & Oil Burner Act (Cap. G30)
The Electricians' Licence Act (Cap. E50)

Restrictions on Mining Activities

In addition to restrictions imposed by the Mines Act on the applications for and staking out of mineral dispositions in certain areas, further restrictions are imposed by other legislation. The Historic Sites and Objects Act (Cap. H 170) makes provision for the protection of archaeological sites; The Railway Act, The Gas Pipe Line Act, and The Highways Protection Act limit mining ac-

The Historic Sites and Objects Act (Cap. H 70)
The Railway Act (R.S.C. 1970) c. R-2, Sec. 137
The Gas & Pipe Line Act (Cap. G 50)
The Highways Protection Act (Cap. H 50)
The Rivers & Streams Act (Cap. R 150)

tivities within prescribed distances of rights-of-way. The River and Streams Act places restrictions on construction and certain other activities in proximity to streams and bodies of water.

Deduction of Exploration Expenses In Calculating Mining Taxes

The Mining Tax Act (Cap. M 125) Sec. 12(2)

In calculating mining tax payable to the province, approved exploration expenses incurred in Manitoba by an operator after December 31, 1978 may be deducted from profit earned in the province in any year and such expenses may be banked for deduction in any future year of income.

In addition a company can deduct exploration expenses in full, as Canadian income permits, for purposes of determining taxable income under The Income Tax Act (Canada).

LEGISLATION AFFECTING MINING IN MANITOBA

Prospecting and Exploration

Statutes of Manitoba	Administering Agency	Contact
The Mines Act (Cap. M 160)	Manitoba Energy & Mines	Director of Mines Ph: (204) 945-6505
— Manitoba Regulation 147/81	Manitoba Energy & Mines	The Mining Recorder Ph: Winnipeg (204) 945-6528 The Pas (204) 623-6411
— Manitoba Regulation 254/73, (as amended by MR 50/76, 33/77, 133/77	Manitoba Energy & Mines	Chief Mining Engineer Ph: (204) 945-6519
— Manitoba Regulation 97/80	Manitoba Energy & Mines	Chief Mining Engineer Ph: (204) 945-6519
Industrial Minerals Drilling Act (Cap. I 20)	Manitoba Energy & Mines	Chief Mining Recorder Ph: (204) 945-6528
The Corporations Act (Cap. C 225)	Manitoba Consumer & Corporate Affairs	Director, Corporations and Business Names Branch Ph: (204) 945-2651
The Business Names Registration Act (Cap. B 110)	Manitoba Consumer & Corporate Affairs	Director, Corporations and Business Names Branch Ph: (204) 945-2651
The Securities Act. (Cap. S 50)	Manitoba Consumer & Corporate Affairs	The Securities Commission Ph: (204) 945-2548
The Crown Lands Act (Cap. C 340)	Manitoba Natural Resources	Chief of Crown Lands Ph: (204) 945-6652
The Forest Act (Cap. F 150)	Manitoba Natural Resources	Director of Forestry Branch Ph: (204) 945-7987
The Provincial Park Lands Act (Cap. P 20) -MR 199/74	Manitoba Natural Resources	Director of Parks Branch Ph: (204) 945-4413
The Wildlife Act (Cap. W 140)	Manitoba Natural Resources	Director of Wildlife Branch Ph: (204) 945-7761
The Fires Prevention Act (Cap. F 80)	Manitoba Natural Resources	Director of Forestry Branch Ph: (204) 945-7987
The Historic Sites and Objects Act (Cap. H 70)	Manitoba Cultural Affairs & Historical Resources	Director, Historic Resources Branch Ph: (204) 945-4389
The Clean Environment Act (Cap. C 130)	Manitoba Environment & Workplace Safety & Health	Director, Environmental Control Services Ph: (204) 945-7008
The Public Health Act (Cap. P 210 — MR 95/74 (AM MR 528/76) — Regulation P 210-R1 — Regulation P 210-R3 — Regulation P 210-R5	Manitoba Environment & Workplace Safety & Health	Director, Environmental Control Services Ph: (204) 945-7008
The Mining Tax Act (Cap. M 125)	Manitoba Finance	Director, Mining & Use Taxes Ph: (204) 945-3288
The Gas Pipe Line Act (Cap. G 50)	Manitoba Consumer & Corporate Affairs	Chairman, Public Utilities Board Ph: (204) 945-2640
The Highways Protection Act (Cap. H 50)	Manitoba Highways & Transporation	Assistant Deputy Minister Ph: (204) 945-3772
The Rivers & Streams Act (Cap. R 160)	Manitoba Natural Resources	Director, Water Resources Branch Ph: (204) 945-6399
The Workers Compensation Act (Cap. W 200)	Workers Compensation Board	Chief Executive Officer, Workers Compensation Board Ph: (204) 786-5471

Statutes of Manitoba	Administering Agency	Contact
The Buildings & Mobile Homes Act (Cap. B 93)	Manitoba Labour	Director, Mechanical & Engineering Branch Ph: (204) 945-3374
The Gas & Oil Burner Act (Cap. G 30)	Manitoba Labour	Director, Mechanical & Engineering Branch Ph: (204) 945-3374
The Electricians' Licence Act (Cap. E 50)	Manitoba Labour	Director, Mechanical & Engineering Branch Ph: (204) 945-3374

Statutes of the Government of Canada	Relevance	Administering Agency	Contact
The Explosives Act (R.S.C. 1970, c. E-15)	Regulates the importation, transportation and storage of explosives.	Energy, Mines & Resources Canada	Chief Inspector of Explosives, Explosives Branch, Energy, Mines and Resources Canada, 580 Booth Street, Ottawa K1A 0E4 Ph: (613) 593-7211
— The Explosives Regulations (P.C. 1956-349)	Regulates the importation, transportation and storage of explosives.	Energy, Mines & Resources Canada	Chief Inspector of Explosives, Explosives Branch, Energy, Mines and Resources Canada, 580 Booth Street, Ottawa K1A 0E4 Ph: (613) 593-7211
— The Ammonium Nitrate and Fuel Order (P.C. 1957-335)	Regulates blending of ammonium nitrate and fuel oil and overnight storage.	Energy, Mines & Resources Canada	Chief Inspector of Explosives, Explosives Branch, Energy, Mines and Resources Canada, 580 Booth Street, Ottawa K1A 0E4 Ph: (613) 593-7211
The Atomic Energy Control Act (R.S.C. 1970, c. A-19	Sets up AECB and its mandate. Provides for regulations governing prospecting for uranium.	Atomic Energy Control Board	Manager, Uranium Mining Division, AECB, P.O. Box 1046, Ottawa, Ontario K1P 5S9 Ph: (613) 995-3181
National Parks Act (R.S.C. 1970, c. N-13)	Parks Canada prohibits commercial exploration and exploitation of natural resources within National Parks.	Parks Canada	Director, Prairie Region, Parks Canada, 400 - 391 York Avenue, Winnipeg, Manitoba Ph: (204) 949-2127
The Indian Act (R.S.C. 1970, c. I-6	Limits access to and mineral production from Reserve lands. Applications for prospecting license or permit for exploration must be made to Indian Affairs & Northern Development Canada, who will contact Indian Band.	Indian Affairs and Northern Development Canada	Manager, Indian Minerals 1 Front St. W. Toronto, Ontario Ph: (416) 369-4615
The Railway Act (R.S.C. 1970) c. R2, Sec. 137	Limits mining related activities to prescribed distances from railway rights-of-way.	Transport Canada	Chief of Rail Crossings & Construction Canadian Transport Commission, 301-303 Main St. Winnipeg, Manitoba Ph: (204) 949-4214
Canada Wildlife Act (R.S.C. 1973-74, c.21) — Uses of Wildlife Areas (Regulation EC-17)	Places limitations on land use in national wildlife areas.	Environment Canada	Officer-in-charge Canadian Wildlife Service 501 University Cresc. Winnipeg, Manitoba Ph: (204) 949-5261
Navigable Waters Protection Act (R.S.C., 1970 c. N-19) — TC-2	Approval of the Minister is required for all works or installations affecting navigable waters.	Transport Canada	Base Manager, Canadian Coastguard Selkirk, Manitoba Ph: (204) 482-5813
Metal Mining Liquid Effluent Regulations and Guidelines	Provides guidelines for environmentally sound practices during exploration and development phases of mine development.	Environment Canada	Director, Environmental Control Services, 139 Tuxedo, Winnipeg, Manitoba R3N 0H6 Ph: (204) 945-7008 Note: This guideline is administered by the above agency which will make referrals to the Federal Department where necessary.

MINE DEVELOPMENT AND PRODUCTION

Mining Rights

Any company wishing to do business in Manitoba must be registered under the Corporations Act and the Workers Compensation Act.

The Corporations Act (Cap. C 225)
The Workers Compensation Act (Cap. W 120)

Any sale or offer of Shares or Securities to the public by a Syndicate must first be approved by the Securities Commission.

The Securities Act (Cap. S 50)

New ventures or acquisitions of Canadian business by "non-eligible persons", defined as neither Canadian citizens nor landed immigrants, are subject to review by the Foreign Investment Review Agency.

The Foreign Investment Review Act (R.S.C. 1973-74, C 46)

Before commencing mineral production from any mine, the rights to the minerals must first be obtained. In the case of Crown owned minerals a **Lease** is required. The holder of a claim who has satisfied all conditions of the regulation may apply for a lease. This lease is issued for a term of twenty-one years and may be renewed for further terms of twenty-one years subject to certain conditions, for example: that production continues from the leased area or the mine is on standby; the payment of prescribed fees, rentals and royalties; and compliance with relevant legislation.

The Mines Act (Cap. M 160) -MR 147/81 Sec. 43-58

Every Crown lease is subject to the provision that the minerals mined from the location described in the lease shall be treated and refined in Canada so as to yield refined metal or other product suitable for direct use in the arts, unless the Lieutenant-Governor-in Council has specifically granted an exemption from that condition.

The Mines Act (Cap. M 160) Sec. 9(1) & 9(2)

Dispositions of Crown minerals are issued by the Mining Recorder's Office of Manitoba Energy and Mines.

Some mineral rights are privately owned (freehold) and the right to prospect, explore and remove those minerals is obtained by agreement with the owner. Ownership of the freehold minerals can be determined through a search of the records in the appropriate Land Titles Office.

Whether on Crown lands or freehold lands, the Minister may prohibit mining or may impose such terms and conditions for mining as are considered necessary for proper resource management and protection of the environment.

The Mines Act (Cap. M 160) Sec. 6(6.1)

Access to the Surface of Lands for Mining Activities

The granting of a lease conveys to the lessee the right to enter, use and occupy the surface of the lease to search for and mine all minerals contained in the area of the lease, as well as to erect such buildings and structures as may be necessary for effective mining and beneficiation of such minerals.

The Mines Act (Cap. M 160) -MR 147/81 Sec. 43(1)

Where the surface rights of Crown lands are held under a lease or other form of terminable grant from the Crown, or have been disposed of by the Crown under any Act or regulation that contemplates the issue of a conveyance, an operator must, before commencing mining operations, make ap-

The Mines Act (Cap. M160) Sec. 22-27

plication to the Mining Board for acquisition of such surface rights as may be necessary for the efficient and economical performance of the operations. The Board will convene a hearing and determine what portions of the surface rights are necessary for the operator and what terms and compensation shall apply to the grant of those rights.

Certain Crown lands may be set aside for various public and private purposes, i.e. provincial forest, forest management licences, parks, wildlife areas, sanitary areas, and various forms of terminable lease. Prior to undertaking any mining related activity in any of these areas, occupancy and work permits must be obtained from the appropriate agency. These permits may set out general conditions that are specific for the activity location (e.g. nearness of camps etc., to logging, fireguards and access trails.)

The Forest Act (Cap. F 150)
The Provincial Park Lands Act (Cap. P 20)
-MR 199/74, Sec. 4(5), 12, 13, 15
The Public Health Act (Cap. P 210)

The Wildlife Act (Cap. W 140)

All timber cut, harvested or removed from any Crown lands as a result of mining-related activities should be done under the authorization of a timber cutting permit. The timber cutting permit should be acquired prior to any such undertaking.

The Fires Prevention Act (Cap. F 80) Sec. 29

Work permits relative to Forest Protection and fire control must be obtained from Manitoba Natural Resources prior to any mining-related activity being undertaken in the wooded zone.

Unless acquired by grant prior to July 15, 1930, the rights to all waterways and bodies of water are vested in the Crown. Prior approval is necessary for any diversion or other tampering with such waterways and bodies of water.

The Water Rights Act (Cap. W 80) Sec. 5-13

The right to enter on to any freehold lands must be obtained from the owner and the occupier of the surface. In the event that the owner of the minerals cannot reach agreement with the owner of the surface for entry on to the surface, the matter may be referred to the Mining Board which will hear the case and decide on what terms and compensation entry may be granted.

The Mines Act (Cap. M 160) Sec. 20-21

Notification of Commencement of Mining Operation

The Minister may prohibit the commencement of mining or impose terms and conditions for such mining activity if, in his opinion, the public interest will be affected or protection of the environment is warranted. The approval of the Minister may, therefore, be required under this provision before commencement of mining.

The Mines Act (Cap. M 160) (Sec. 6(6.1)

Every operator must notify the Director (Manitoba Finance) in writing of the start up of a new mine or any change of name, address or processing activity within 10 days of the start up or change. No mineral product shall be removed from the site before such notice is given.

The Mining Tax Act (Cap. M 125) Sec. 41(1), 41(2)

The inspector must be notified of the intended installation of a mine hoisting plant, treatment plant or power plant, or connection of any mining electrical equipment at least 14 days prior to the commencement of work. Subsequent notification is to be given concerning the commencement of shaft sinking, pit excavation and other aspects of mining activities. Similarly, notice must be given to the inspector of the intent to close down a mine.

The Mines Act (Cap. M 160) -MR 254/73 Sec. 3.03

Camp Requirements

The establishment and maintenance of an industrial or construction camp is governed by a number of requirements including those for fire protection, sanitary facilities, waste disposal, contracting for medical services and provision of first aid facilities.

The Public Health Act (Cap. P 210)
-MR 95/74 (AM. 258/76)
-Regulation P 210-R1, R3, R5
The Workplace Safety and Health Act (Cap. W 210)
-MR 210/77, -MR 207/77

Construction and industrial camps of the portable type (not tents) must be approved under The Buildings and Mobile Homes Act, The Gas & Oil Burner Act and The Electricians' Licence Act. Plans and specifications for all proposed camps consisting of more than two mobile units connected together must be submitted for prior approval. Approved camps may be subject to inspection at any time.

The Fires Prevention Act (Cap. F 80)
The Buildings & Mobile Homes Act (Cap. B 93)
The Gas & Oil Burner Act (Cap. G 30)
The Electricians' Licence Act (Cap. E 50)

Development and Operation of Mines

A number of statutes place restrictions on the development of mining operations in certain areas. Municipal or local government district zoning by-laws may prohibit mining or impose restrictions. The Highways Protection Act may restrict excavation or building adjacent to a highway or prohibit or impose restrictions on access to a provincial highway.

Planning Act (Cap. P 80)
Highways Protection Act (Cap. H 50)

Load restrictions are imposed on highways and may be more stringent during the spring season.

Highways Traffic Act Cap. H 60)

The Railway Act prohibits mining within 40 yards of a railway except with the permission of the Board of Transport Commissioners of Canada.

The Railway Act (R.S.C. 1970) c. R-2, Sec. 137

The Historic Sites and Objects Act protects areas of historical and archaeological interest.

The Historic Sites & Objects Act (Cap. H 70)

Buildings and structures must be properly designed and those in excess of 6,000 sq. feet must be approved by the Mechanical Engineering Branch of the Department of Labour for structural integrity.

Building and Mobile Homes Act (Cap. B 93)
(Manitoba Building Code)

Pressure vessels when in excess of a certain size must be licensed and under the control of an operator licensed for the type and capacity of equipment employed.

Steam and Pressure Plants Act (Cap. 210)

Electrical installations from the main supply transformer or substation must be made in accordance with the regulations under The Mines Act.

The Mines Act (Cap. M 160)
-MR 254/73 (Canadian Electrical Code)

Plans of water supplies for domestic purposes and sewage systems must be submitted for approval.

The Public Health Act (Cap. P 210) - MR P 210-R3

Approval is required for the diversion of any surface or ground water or the drilling of a well for water.

The Water Rights Act (Cap. W 80)

Prior to the installation or construction of specified mining facilities (e.g. shaft, hoisting equipment, treatment plant, power plant, explosive magazine, etc.) the operator must give written notice to the inspector and obtain his approval. Regulations also restrict the location of buildings or inflammable materials in relation to the entrance to a mine.

The Mines Act (Cap. M 160)
-MR 254/73

Monthly reports are required showing the production from the mine and amount of minerals processed, manhours worked and any lost-time injuries to employees.

The Mines Act (Cap. M 160)
Sec. 43

Plans showing the workings of the mine are to be kept up-to-date and submitted annually to the Chief Mining Engineer.

Sec. 41

A permit is required to cut timber on Crown lands. The area should be staked and the lands mapped and copies of such maps forwarded to the Forestry Branch.

The Forest Act
(Cap. F 150)

Safety and Health

Statutes and regulations dealing with safety and health at mines are quite detailed and specific. Only the highlights of such legislation are brought out in this section.

Regulations under the Mines Act place responsibility on the manager, supervisor and employees for the conduct of mining operations and safety and health of persons employed at mines. Each employer is required to meet at least once in each month with the representatives of the employees to discuss measures for promoting the safety and health of the employees.

The Mines Act (Cap. M 160)
-MR 254/73, Part II

The Workplace Safety and Health Act (Cap. W 210)
-MR 158/77
-MR 204/77
-MR 205/77
-MR 207/77
-MR 209/77

Mines are designated as places that require the formation of workplace safety and health committees. Every employee has the right to refuse to work in any place which he has reasonable grounds to believe to be unsafe. No person can be discriminated against for exercising his right to refuse to work in an unsafe place nor for co-operating with the workplace safety health committee.

The Mines Act (Cap. M 160)
Sec. 46.1

Any accident that results in a fatal or serious injury or involves an incident or circumstances specified in the regulation must be reported by the manager to the Chief Mining Engineer. Each month the manager is required to submit a report on employment and any lost-time work injuries sustained.

The Mines Act (Cap. M 160)
-MR 254/73 Sec. 3.01, 3.09

Every employer is required to protect workers from injuries by providing guards on machinery, control and suppression of contaminants, provision of personal protective equipment and the maintenance of equipment and workplaces in safe condition.

The Mines Act (Cap. M 160)
-MR 254/73, Part IV

All workers in underground mines, mineral crushing operations and other places where they may be exposed to pneumoconiosis producing dust, are required to hold a licence issued by the Sanatorium Board to be employed in a prescribed occupation. A prescribed occupation includes hard rock mining, metal foundry work, hard rock drilling and crushing, use of abrasives and asbestos mining.

The Workplace Safety & Health Act (Cap. W 210)
-MR 209/77, 210/77

Explosives at mines must be stored in licensed magazines and must be used only by persons that hold a valid blasting certificate issued by the manager or by the inspector. Blasting procedures must be approved.

The Mines Act (CAP. M 160)
-MR 254/73, Part VII
Sec. 7.25(1) 7.25(14)

Transportation of explosives is governed by the Explosives Act of Canada. The manufacture of explosives or the blending of AN/FO requires authority from the Chief Inspector of Explosives (Canada) and the Chief Mining Engineer (Manitoba). When purchasing explosives, the explosives

The Explosives Act (Canada) (R.S.C. 1970, E-15)
- The Explosives Regulations (P.C. 1956-349 as amended)
- The Amonium Nitrate and Fuel Order (P.C. 1957-335)

magazine licence number must be supplied or the purchaser must otherwise show that the explosives will be stored safely until used.

The Mines Act (Cap. M 160)
MR 254/73 Sec. 7.06

The operator of a mine is responsible for establishing, equipping and maintaining mine rescue facilities and trained mine rescue crews.

The Mines Act (Cap. M 160)
Sec. 42

LEGISLATION AFFECTING MINING IN MANITOBA

Mine Development & Production

Statutes of Manitoba	Administering Agency	Contact
The Mines Act (Cap. M 160)	Manitoba Energy & Mines	Director of Mines Ph: (204) 945-6505
Manitoba Regulation 147/81	Manitoba Energy & Mines	The Mining Recorder Ph: Winnipeg (204) 945-6528 The Pas (204) 623-6411
Manitoba Regulation 254/73 (as amended by MR 50/76, 33/77, 133/77	Manitoba Energy & Mines	Chief Mining Engineer Ph: (204) 945-6519
The Corporations Act (Cap. C 225)	Manitoba Consumer & Corporate Affairs	Director, Corporations and Business Names Branch Ph: (204) 945-2651
The Securities Act (Cap. S 50)	Manitoba Consumer & Corporate Affairs	The Securities Commission Ph: (204) 945-2548
The Workers Compensation Act (Cap. W 200)	Workers Compensation Board	Chief Executive Officer, Workers Compensation Board, Ph: (204) 786-5471
The Crown Lands Act (Cap. C 340)	Manitoba Natural Resources	Chief of Crown Lands Ph: (204) 945-6652
The Forest Act (Cap. F 150)	Manitoba Natural Resources	Director of Forestry Branch Ph: (204) 945-7987
The Provincial Park Lands Act (Cap. P 20) -MR 199/74	Manitoba Natural Resources	Director of Parks Branch Ph: (204) 945-4413
The Wildlife Act (Cap. W 140)	Manitoba Natural Resources	Director, Wildlife Branch Ph: (204) 945-7761
The Fires Prevention Act (Cap. F 80)	Manitoba Natural Resources	Director of Forestry Branch, Ph: (204) 945-7987
The Public Health Act (Cap. P 210) — MR 95/74 (Am. MR 258/76) — Regulation P210-R1 — Regulation P210-R3 — Regulation P210-R5	Manitoba Environment & Workplace Safety & Health	Director, Environmental Control Services Ph: (204) 945-7008
The Water Rights Act (Cap. W 80)	Manitoba Natural Resources	Director, Water Resources Branch Ph: (204) 945-6399
The Workplace Safety & Health Act (Cap. W 210) — MR 209/77 — MR 210/77 — MR 208/77 — MR 207/77 — MR 158/77 — MR 204/77 — MR 205/77	Manitoba Environment & Workplace Safety & Health	Director, Workplace Safety and Health Branch Ph: (204) 945-3605
The Highways Protection Act (Cap. H 50)	Manitoba Highways & Transporation	Assistant Deputy Minister Ph: (204) 945-3772
The Highways Traffic Act (Cap. H 60)	Manitoba Highways & Transportation	Assistant Deputy Minister Ph: (204) 945-3772
The Historic Sites & Objects Act (Cap. H 70)	Manitoba Cultural Affairs and Historical Resources	Director, Historical Resources Ph: (204) 945-4389
Building & Mobile Homes Act (Cap. B 93)	Manitoba Labour	Director, Mechanical & Engineering Ph: (204) 945-3374
Steam and Pressure Plants Act (Cap. S 210)	Manitoba Labour	Director, Mechanical & Engineering Ph: (204) 945-3374

Statutes of Manitoba	Administering Agency	Contact
The Gas & Oil Burner Act (Cap. G 30)	Manitoba Labour	Director, Mechanical & Engineering Ph: (204) 945-3374
The Electricians' Licence Act (Cap. E 50)	Manitoba Labour	Director, Mechanical & Engineering Ph: (204) 945-3374
The Planning Act (Cap. P 80)	Manitoba Municipal Affairs	Director, Municipal Planning Ph: (204) 945-2158
The Planning Act (Cap. P80)	Manitoba Northern Affairs	Coordinator, Special Programs and Assignments Ph: (204) 945-2538
The Planning Act (Cap. P80)	Manitoba Natural Resources	Director, Parks Branch Ph: (204) 945-4413

Statutes of the Government of Canada	Relevance	Administering Agency	Contact
The Explosives Act (R.S.C. 1970, c. E-15)	Regulates the importation, transportation and storage of explosives.	Energy, Mines & Resources Canada	Chief Inspector of Explosives, Explosives Branch, Energy, Mines & Resources Canada, 500 Booth Street, Ottawa K1A 0E4 Ph: (613) 593-7211
— The Explosives Regulations (P.C. 1956-349)	Regulates the importation, transportation and storage of explosives.	Energy, Mines & Resources Canada	Chief Inspector of Explosives, Explosives Branch, Energy, Mines & Resources Canada, 500 Booth Street, Ottawa K1A 0E4 Ph: (613) 593-7211
— The Ammonium Nitrate and Fuel Order (P.C. 1957-335)	Regulates blending of nitrate and fuel oil and overnight storage.	Energy, Mines & Resources Canada	Chief Inspector of Explosives, Explosives Branch, Energy, Mines & Resources Canada, 500 Booth Street, Ottawa K1A 0E4 Ph: (613) 953-7211
The Atomic Energy Control Act (R.S.C. 1970, c. A-19)	Sets up the AECB and its mandate. Regulations under this act govern prospecting for mining, production import, export, etc.	Atomic Energy Control Board	Manager, Uranium Mining Division, AECB, P.O. Box 1046, Ottawa, Ontario K1P 5S9 Ph: (613) 995-3181
National Parks Act (R.S.C. 1970, c. N-13)	Prohibits commercial exploration and extraction of natural resources in National Parks.	Parks Canada	Director, Prairie Region, Parks Canada, 400-391 York Avenue, Winnipeg, Manitoba Ph: (204) 949-2127
Canada Wildlife Act (R.S.C. 1973-74, c. 21)	Places limitations on land use in national wildlife areas.	Environment Canada	Officer-in-charge Canadian Wildlife Service, 501 University Cresc., Winnipeg, Manitoba Ph: (204) 949-5261
The Indian Act (R.S.C. 1970, C. 1-6)	Legislates against trespassing and mineral production on Indian lands. Written permission of the Minister is required to remove any minerals, aggregates or soil from a reserve.	Indian Affairs and Northern Development Canada	Manager Indian Minerals (Mining) 1 Front St. W. Toronto, Ontario Ph: (416) 369-4615
The Railway Act (R.S.C. 1970, c. R-2, Sec. 137)	Limits mining related activities to prescribed distances from railway rights-of-way.	Transport Canada	Chief of Rail Crossings & Construction, Canadian Transport Commission, 301-303 Main St. Winnipeg, Manitoba Ph: (204) 949-4214
The Foreign Investment Review Act (R.S.C. 1973-74, c.46)	Provides for review of new ventures and acquisitions of Canadian business by "non-eligible persons" defined as neither Canadian citizens nor landed immigrants.	Industry and Commerce Canada	Deputy Minister, Manitoba Industry, Trade & Technology Ph: (204) 944-3751 Note: Will provide advice and referral to FIRA.
Navigable Waters Protection Act (R.S.C. 1970, c. N-19)	Approval of Minister is required for all works affecting navigable waters.	Transport Canada	Base Manager, Canadian Coastguard, P.O. Box 216, Selkirk, Man. R1A 2B2 Ph: (204) 482-5813

ENVIRONMENTAL CONTROLS

Provincial Legislation

The Clean Environment Act (Cap. C 130) Sec. 14
·MR 208/76
·MR 156/80
·MR 85/81

Projects, including mining activities, are subject to the requirements of the Manitoba Clean Environment Act, which essentially provides:

"Approval of proposal required.

14(1) No person shall, unless exempted under Section 14.1 or by the regulations, construct premises or alter same or set into operation any industry, undertaking, plant or process that will or may result in the discharge or emission of any contaminant into the environment, unless he files his proposal with the department on a form approved by the Minister; and upon the filing of the proposal, the Minister

(a) may approve the proposal, provided the proposal complies with the provisions of the Act and regulations; or

(b) subject to clause (a) shall refer the proposal to the commission to be dealt with in accordance with subsection (2) or (3)."

The Clean Environment Act is administered by the Environmental Management Division of Manitoba Environment and Workplace Safety and Health, and since environmental concerns are important, it is considered essential that contact be established with environmental personnel at an early stage.

The Public Health Act (Cap. P 210)
· Regulation P210-R3

The Public Health Act provides that no person shall create or maintain an unsanitary condition or permit the existence of an unsanitary condition, in any place within or under his control or management.

The Mines Act (Cap. M 160) Sec. 53.1

The owner or operator of a mine is responsible for carrying out a program for the protection and rehabilitation of the surace of lands used during mining.

Mining and Metallurgy Compensation Act (Cap. M 190)

Several districts have been established as mining, milling, smelting and refining districts. A person operating a mine or mining works shall not be liable for damages occasioned by emissions, noise or discharges within the designated district or districts. Damage occasioned by these sources outside the designated districts may be subject to penalty to be determined by an arbitrator.

Federal Legislation

The Clean Air Act (R.S.C. 1970-71-72, c.47)
SOR/74-325, 75-32, 78-74
· Regulation SOR/77-265, 77-266, 77-514

A number of federal statutes and guidelines for environmental controls are also applicable to the conduct of mining in Manitoba. The Clean Air Act provides for ambient air quality and pollution control. "This Act allows the Federal Government to establish objectives and national emission standards for substances which are deemed to be air contaminents." Regulations under this Act also give the Minister the power to request information from an operation where arsenic, asbestos and mercury releases to the ambient air are likely.

The Environmental Contaminants Act (R.S.C. 1974-75-76, c. 72)

The Environmental Contaminants Act protects human health and the environment from contaminants. "The Act and regulations enable the Minister to request information on the manufacture, importation and processing of designated substances and to restrict or prohibit such activities."

Fisheries Act (R.S.C. 1970, c. 17)
(R.S.C. 1974-75 c. 48)
(R.S.C. 1976-77 c. 35)
· Regulation SOR/77-178

"The Fisheries Act places controls on the design of structures within watercourses and the release of deleterious substances into surface waters, and prevents the alteration, disruption or destruction of fish habitat. The metal mining regulations and guidelines under this Act limit the pH of effluents as well

as levels of arsenic, copper, lead, nickel, zinc, total suspended matter and radium 226 in discharges to surface waters. Approval from the Minister is required for the use of any tailings disposal area which includes within it any waters naturally frequented by fish."

Canada Water Act (R.S.C. 1970, c. 5)

The Canada Water Act empowers the Federal Government to control waste discharges into areas which may be designated as water quality management areas and to limit the discharge of substances such as nutrients from cleaning agents into surface waters.

LEGISLATION AFFECTING MINING IN MANITOBA
Environmental Controls

Statutes of Manitoba	Administering Agency	Contact
The Clean Environment Act (Cap. C130)	Manitoba Environment & Workplace Safety & Health	Director, Environmental Control Services Ph: (204) 945-7008
The Mines Act (Cap. M160)	Manitoba Energy & Mines	Director of Mines Ph: (204) 945-6505
The Mining & Metallurgy Compensation Act (Cap. M190)	Manitoba Energy & Mines	Director of Mines Ph: (204) 945-6505

Statutes of the Government of Canada	Relevance	Administering Agency	Contact
The Clean Air Act (R.S.C. 1970-71-72, c.47) (SOR/77-265, 77-266, 77-514)	Regulations under this act set minimum standards of ambient air quality and air pollution control.	Environment Canada	Director, Environmental Protection Service Ph: (204) 949-2961
Fisheries Act (R.S.C. 1970, c.17) (R.S.C. 1974-75, c. 48) (R.S.C. 1976-77, c.35)	Alterations & discharges to watercourses. Pertains to the design of structures within watercourses and the release of deleterious substances into surface waters.	Fisheries and Oceans Canada	Regional Director, Ph: (204) 269-7379 Director, Environmental Control Services, 139 Tuxedo, Winnipeg, Man. R3N 0H6 Ph: (204) 945-7008
Canada Wildlife Act (R.S.C. 1973-74, c.21)	Places limitations on land use in national wildlife areas.	Environment Canada	Officer-in-charge Canadian Wildlife Service, 501 University Cresc Winnipeg, Manitoba Ph: (204) 949-5261
The Environmental Contaminants Act (R.S.C. 1974-75-76, c.72)	Protects human health and environment from designated contaminants.	Environment Canada	Director Environmental Protection Service Ph: (204) 949-2961 Director, Environmental Control Services, 139 Tuxedo, Winnipeg, Man. R3N 0H6 Ph: (204) 945-7008
Canada Water Act (R.S.C. 1970 (1st Supp.) c.5)	Designation of water quality management areas and release of wastes into surface waters.	Environment Canada	Regional Director Inland Waters Directorate Ph: (204) 359-5319

ABANDONMENT AND REHABILITATION OF MINES

All shafts, raises and other openings to the surface are required to be sealed, and other openings filled or sloped. Provision is made in the regulation for deferral of permanent closure when there are plans for future exploration, development and production, and a suitable bond has been posted.

The Mines Act (Cap. M 160)
- MR 254/73
Sec. 3.04

The mine owner is responsible for the continued maintenance of safe closures. In the event of his default, Manitoba Energy and Mines may make the closure or remove unsafe structures, assess the cost incurred against the owner and place a lien against all the owner's property in Manitoba.

The Mines Act (Cap. M 160)
Sec. 53.1(1) - 53.1(15)

Plans of the mine workings are to be submitted upon suspension of mining.

The Mines Act (Cap. M 160)
Sec. 41(4), 41(5)

Metal Mining Liquid Effluent Regulations and Guidelines issued by Environment Canada outlines an environmental code of practice for site rehabilitation and abandonment of mines.

LEGISLATION AFFECTING MINING IN MANITOBA

Abandonment & Rehabilitation of Mines

Statutes of Manitoba	Administering Agency	Contact
The Mines Act (Cap. M 160) — Regulation 254/73	Manitoba Energy & Mines	Director of Mines Ph: (204) 945-6505

Statutes of the Government of Canada	Relevance	Administering Agency	Contact
Metal Mining Liquid Effluent Regulations and Guidelines	Outlines environmental code for site rehabilitation and abandonment of mines.	Environment Canada	Director, Environmental Control Services, 139 Tuxedo, Winnipeg, Man. R3N 0H6 Ph: (204) 945-7008

MINING TAX

Every operator who extracts minerals in Manitoba is required to prepare an annual tax return to the province under the Mining Tax Act (Cap. M 125) administered by Manitoba Finance through the "Director" (Deputy Minister of Finance or Assistant Deputy Minister of Finance or Director of the Mining and Use Taxes Branch). "Mineral" for the purposes of this Act is as defined in the Mines Act (Cap. M 160, Sec. 1(20), excluding oil or gas, peat, industrial minerals and structural materials but including potash.

Every operator must notify the Director (Manitoba Finance) in writing of the start up of a new mine, or any change of name, address or processing activity within 10 days of the start up or change. No mineral product shall be removed from a site before such notice is given.

The Mining Tax Act (Cap. M 125) Sec. 41(1), 41(2)

On or before June 30 of each year, an operator must file with the Director in a prescribed form, a return for the previous year with mining tax calculated.

Sec. 27(1), 27(2)

The return shall be accompanied by an audited unconsolidated financial statement.

Sec. 28

The Example given below is a guide to the calculation of mining tax payable to the province under the Mining Tax Act.

Potash production from Crown Lands may, in addition to the mining tax, be subject to a volumetric royalty.

The Mines Act (Cap. M 160)

A mining claim or lease held under Order-in-Council and a patent granting mining rights are subject to a mining claim tax of ten dollars per year for each claim, lease or patent.

The Mining Royalty & Tax Act (Cap. M 180) Part III

The following is an example of how the mining tax is calculated under the Mining Tax Act.

From:	Sales Revenue		Assume:	$100 million
Deduct:	Operating Costs			$50 million
Deduct:	Exploration Costs[1]			$1 million
Deduct:	Depreciation Allowance[2]	(.2 x $90 million)		$18 million
Deduct:	Processing Allowance:[6]			
	On Processing Assets[3]	(.08 x $150 million)	$12 million	
	On Service Assets[4]	(.25 x $12 million)	$3 million	
	On out of Province Processing Assets[5]	(.08 x $12.5 million)	$1 million	$16 million
Gives:	Mining Profit			$15 million
	Mining Tax is 18% of Mining Profit			$2.7 million
	New investment credit is 5% of qualifying investment. The amount claimable in any year is the lesser of: (i) 50 percent of the Mining Tax or (ii) the amount of the credit not yet claimed.			$1.35 million
	The net Mining Tax amounts to:			$1.35 million
	The credit claimed will reduce the undepreciated balance of total assets[8] to:			$70.65 million

NOTES:

1. Manitoba offsite exploration costs can be deducted in full and unclaimed costs can be carried forward indefinitely.
2. The depreciation allowance is up to 20 percent of the undepreciated balance of all assets. The upper limit can be increased up to 60 percent of the undepreciated balance in special cases. In the example, the undepreciated balance is assumed to be $90 million.
3. The processing allowance on processing buildings and equipment is 8 percent of the original cost of those assets. In the example, this is assumed to be $150 million.
4. The processing allowance on service assets is 25 percent of the allowance on processing assets.
5. The processing allowance for out-of province processing assets is 8 percent of the book undepreciated balance of the assets as apportioned on a Manitoba feed basis.
6. The total of the processing allowances cannot exceed 65 percent of the profit after the depreciation allowance. The minimum allowable allowance is 15 percent of the profit after the depreciation allowance. In the example, the profit after the depreciation allowance is $31 million. Thus the upper and lower limits for the total processing allowance are $20.15 million and $4.65 million.
7. Qualifying investment includes that for new mining and processing facilities, and approved investment for expansions, pollution, health and safety reasons. For the example assume that the qualifying investment amounted to $50 million. Thus the total credit available is $2.5 million. Since the mining tax is $2.7 million the amount claimable is $1.35 million, leaving $1.15 which can be carried forward to next year.
8. The undepreciated balance after this year's depreciation claim is $72 million. The mining tax credit reduces this by $1.35 million.

LEGISLATION AFFECTING MINING IN MANITOBA
Mining Tax

Statutes of Manitoba	Administering Agency	Contact
The Mining Tax Act (Cap. M 125)	Manitoba Finance	Director, Mining & Use Taxes Ph: (204) 945-3288
The Mining Royalty & Tax Act (Cap. M 180)	Manitoba Energy & Mines	The Chief Mining Recorder Ph: (204) 945-6528
The Mines Act (Cap. M 160)	Manitoba Energy & Mines	Director of Mines Ph: (204) 945-6505

II QUARRYING

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NOTE

This section deals with statutes relating to "quarrying" of "quarry minerals". "Quarry mineral" is defined in Manitoba Regulation 226/76 (am. MR 152/77) 2(O) under The Mines Act (Cap. M 160) as: "the following minerals obtained by quarrying: shale, kaolin, bentonite, gypsum, clay, sand, gravel peat, salt, coal, and rock or stone used for any purpose other than as a source of metal, asbestos, potash, oil and natural gas".

This guide to the provincial and federal government statutes that affect quarrying in this province is intended to help the operator identify areas of statutory compliances applicable to his activity. All relevant statutes are listed at the end and the administering agency and contact given. The user is advised to read the appropriate statutes and to make use of the contacts named for details and procedures relating to the statutory requirements.

OWNERSHIP OF AND ACCESS TO QUARRY MINERALS

The ownership of quarry minerals, other than sand and gravel is comparable to mines and minerals under The Mines Act in so far as they are construed not to be part of the surface, and belong mostly to the Crown.

In the case of sand and gravel, a search for ownership is necessary and the following are guidelines:

In any Crown land sold or transferred prior to July 15, 1930, the sand and gravel rights are deemed to be a part of the surface rights, unless otherwise expressly dealt with in the grant from the Crown. In the case of land acquired from the Crown after July 15, 1930, in which the Crown has reserved the mineral rights, the sand and gravel rights are included in that reservation unless they are subject to special circumstances such as transfer of deed or title, reservation by an Act of the Legislature or Parliament of Canada, or a certificate or title issued under The Real Property Act.

The Manitoba Natural Resources Act (Cap. N 30)

The Crown Lands Act (Cap. C 340)

The Sand & Gravel Act (Cap. S 15) Sec. 7(e)

The Real Property Act (Cap. R 30)

A number of provisions in The Mines Act also affect the ownership and extraction of sand and gravel in Crown lands:

Quarry mineral rights under all common and public highways and road allowances are vested in the Crown except where expressly excepted.

Mines Act (Cap. M 160) Sec. 3(2)

The Minister may withdraw any Crown land (including Crown quarry minerals) from prospecting, staking or leasing and may later re-open them. On such withdrawn land the Minister may direct that the quarry minerals be extracted by or on behalf of the Crown or may grant permission to remove a specific quantity of quarry minerals for a limited period.

Sec. 6(1), 6(2)

The Minister has the right to impose terms and conditions for mining or to prohibit mining in the public interest taking into account resource management and protection of the environment. This provision applies to extraction of quarry minerals from both Crown and private lands.

Sec. 6(6.1)

Where the surface rights are held by the Crown or are held under The Forest Act (Cap. F 150) or Crown Lands Act (Cap. C 340), written authority of the Director (of Mines) is required before commencement of operations.

Sec. 22(2)

Where agreement cannot be reached with the owner for entry to the surface to extract Crown quarry minerals, the matter may be referred to the Mining Board for arbitration.

Mines Act (Cap. M 160) Sec. 21

Access to Surface of Lands for Exploration & Quarrying Activities

A prospector has the same rights as any person to enter Crown lands. Access to the surface of privately owned lands under which the Crown owns the mineral rights must be negotiated with the owner of these surface rights.

No disposition will be granted upon Crown lands reserved for public purposes or set aside for national parks, Indian reservations, etc.

Mines Act (Cap. M 160) MR 226/76 Sec. 43

The holder of an Exploration Permit who is unable to obtain permission to enter on privately owned land may appeal to the Mining Board which will hear the case and decide under what terms and compensation entry may be granted.

Mines Act Cap. M 160) Sec. 20-21

Other permissions required are as follows:

— A work permit is required prior to engaging in any quarrying related activity in wooded districts designated by the Lieutenant Governor in Council.

The Fires Prevention Act (Cap. F 80) Sec. 29

— A permit to engage in quarrying related activity in designated wildlife areas.

The Wildlife Act (Cap. W 140)

— A permit is required for quarrying related activities in an area designated as an historic site.

The Historic Sites and Objects Act (Cap. H 70)

— Permit to cut timber in forest land owned by the Crown.

The Forest Act (Cap. F 150)

— Work permit in Provincial Parks and occupancy permit in Provincial Forests.

The Provincial Park Lands Act (Cap. P 20)
MR 199/74, Sec. 4(5), 12, 13, 15

— Before drilling any well to explore for or obtain quarry minerals a permit must first be obtained from the Director (of Mines).

The Industrial Minerals Drilling Act (Cap. I 20) Sec. 4

In certain jurisdictions, Development Plans under the Planning Act may prescribe quarrying as a conditional use. In such cases, prior approval of Council of the Municipality is necessary.

The Municipal Act (Cap. M 225) Sec. 319

The Planning Act (Cap. P 80)

OWNERSHIP OF AND ACCESS TO QUARRY MINERALS

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The Manitoba Natural Resources Act (Cap. N 30)

The Crown Lands Act (Cap. C 340)

The Sand & Gravel Act (Cap. S 15) Sec. 7(c)

The Real Property Act (Cap. R 30)

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The Minister may withdraw any Crown land (including Crown quarry minerals) from prospecting, staking or leasing and may later re-open them. On such withdrawn land the Minister may direct that the quarry minerals be extracted by or on behalf of the Crown or may grant permission to remove a specific quantity of quarry minerals for a limited period.

Sec. 6(1), 6(2)

The Minister has the right to impose terms and conditions for mining or to prohibit mining in the public interest taking into account resource management and protection of the environment. This provision applies to extraction of quarry minerals from both Crown and private lands.

Sec. 6(6.1)

Where the surface rights are held by the Crown or are held under The Forest Act (Cap. F 150) or Crown Lands Act (Cap. C 340), written authority of the Director (of Mines) is required before commencement of operations.

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A prospector has the same rights as any person to enter Crown lands. Access to the surface of privately owned lands under which the Crown owns the mineral rights must be negotiated with the owner of these surface rights.

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Mines Act Cap. M 160) Sec. 20-21

Other permissions required are as follows:

— A work permit is required prior to engaging in any quarrying related activity in wooded districts designated by the Lieutenant Governor in Council.

The Fires Prevention Act (Cap. F 80) Sec. 29

— A permit to engage in quarrying related activity in designated wildlife areas.

The Wildlife Act (Cap. W 140)

— Permit to cut timber in forest land owned by the Crown.

The Forest Act (Cap. F 150)

— Work permit in Provincial Parks and occupancy permit in Provincial Forests.

The Provincial Park Lands Act (Cap. P 20) -MR 199/74, Sec. 4(5)

— Before drilling any well to explore for or obtain quarry minerals a permit must first be obtained from the Director (of Mines).

The Industrial Minerals Drilling Act (Cap. I 20) Sec. 4

In certain jurisdictions, Development Plans under the Planning Act may prescribe quarrying as a conditional use. In such cases, prior approval of Council of the Municipality is necessary.

The Municipal Act (Cap. M 225) Sec. 319

The Planning Act (Cap. P 80)

PROSPECTING & EXPLORATION FOR QUARRY MINERALS

Authority to Prospect & Explore

No licence is required to prospect for quarry minerals in Manitoba, except in the Provincial Forests under the authority of a permit and in the wooded zone under the authority of a work permit.

Prospecting for privately owned (freehold) quarry minerals requires agreement of both the surface owner and the owner of the sand and gravel and/or quarry rights should these differ.

Acquisition of Exclusive Right to Prospect & Explore for Quarry Minerals

Mines Act (Cap. M160)
MR 226/76

A person or corporation registered under The Corporations Act or registered to do business in Manitoba may obtain exclusive right to prospect for Crown quarry minerals under an **Exploration Permit**. To obtain an Exploration Permit, an operator is required to submit (inter alia) a cash deposit of $10 per acre and a plan of exploration. The cash deposit is required to ensure work and rehabilitation. The permit can be held for up to 5 years and is subject to a work commitment increasing annually from $5 per acre in the first year to $25 in the fifth year. Details of work commitment and reports of work are provided in Appendix A of MR 226/76.

An Exploration Permit grants exclusive rights to explore for quarry minerals in the area specified.

DEVELOPMENT AND PRODUCTION OF QUARRY MINERALS

Obtaining Quarrying Rights

Any company wishing to conduct quarrying activities in the province must be registered under the Corporations Act and the Workers Compensation Act.

The Corporations Act. (Cap. C 225)
The Workers Compensation Act (Cap. W 120)

Any sale or offer of shares or securities to the public by a syndicate must first be approved by the Securities Commission.

The Securities Act (Cap. S 50)

New ventures or acquisitions of Canadian business by "non-eligible persons", defined as neither Canadian citizens nor landed immigrants, are subject to review by the Foreign Investment Review Agency.

The Foreign Investment Review Act (R.S.C. 1973-74, C 46)

Prior to production of quarry minerals from freehold lands, a contractual arrangement is usually made with the owner. This agreement would include conditions of stripping, piling overburden, volumetric pricing for the quarry minerals to be removed etc. Alternatively, the quarry minerals rights may be purchased outright. In cases where an operator fails to reach agreement with the surface owner for access to Crown minerals, he could refer the matter to the Mining Board for arbitration.

Mines Act (Cap. M 160) Sec. 20

Production of Crown quarry minerals can take place under one of the following dispositions obtainable through the Mining Recorder's Office.

In cases where Crown lands have been withdrawn from quarrying under Section 6(1) of the Mines Act, a **Permission to Remove** quarry minerals may be granted pursuant to section (6) of the Mines Act. This permission is granted for a specific quantity to be extracted over a limited period and under such terms and conditions as may be decided by the Lieutenant Governor in Council.

A **Casual Permit** may be obtained for extraction of Crown quarry minerals from lands not withdrawn from prospecting, staking and lease. The permit is granted for a specified quantity of Crown quarry mineral to be extracted over a specified period and does not grant exclusive rights to the minerals. An application fee is required (prescribed in Schedule B to the regulations) and a charge of 5 cents per cubic yard is made 'in lieu' of rehabilitation. A crown agency removing quarry minerals for a public purpose is exempted from these charges.

Mines Act (Cap. M 160) -MR 226/76 (am. MR 152/77), Part II

A **Lease** for production of Crown quarry minerals, not withdrawn under Section 6(1) of the Mines Act, is issued, subject to certain prior work expenditures in the area, for a term of ten years and is renewable for further terms of 10 years provided production is taking place.

The Mines Act (Cap. M 160) -MR 226/76 Sec. 23-38

For commercial quarries, a plan of **rehabilitation** is required to be filed along with a cash deposit.

The Mines Act (Cap. M 160) -MR 226/76 (am. MR 152/77)

A lease entitles the holder to exclusive rights to the quarry minerals.

Sec. 69, 70

The foregoing dispositions may include conditions specifying measures for environmental protection and rehabilitation.

Mines Act (Cap. M 160) Sec. 6(6.1)

Surface Rights

Casual Permits and permissions to remove quarry minerals from Crown lands do not grant rights to the surface and consequently such surface rights must be obtained separately.

A surface permit may be obtained for areas covered by quarry mineral leases by application to the Crown Lands Branch.

The Crown Lands Act (Cap. C 340)

Notification of Commencement of Quarrying

The Inspector must be notified at least 14 days in advance of the intended installation of a treatment plant or power plant, or connection of any quarrying electrical equipment.

Mines Act (Cap. M 160) -MR 254/73 Sec. 3.03

Prior notice of the commencement of any excavation of a pit or quarry or the intent to close down a pit or quarry must be given to the Mining Recorder.

-MR 226/76 Sec. 73

Camp Requirements

The establishment and maintenance of an industrial or construction camp is governed by a number of requirements including those for fire protection, sanitary facilities, waste disposal, contracting for medical services and provision of first aid facilities.

The Public Health Act (Cap. P 210) -MR P 210-R1, R3, R5

Construction and industrial camps of the portable type (not tents) must be approved under the Buildings & Mobile Homes Act, the Gas & Oil Burner Act and the Electricians' Licence Act. Plans and Specifications for all proposed camps consisting of more than two mobile units connected together must be submitted for prior approval. Approved camps may be subjected to inspection at any time.

The Workplace Safety & Health Act (Cap. W 210) -MR 210/77 -MR 207/77

The Fires Prevention Act (Cap. F 80)
The Buildings & Mobile Homes Act (Cap. B 93)
The Gas & Oil Burner Act (Cap. G 30)
The Electricians' Licence Act (Cap. E 50)

Development & Operation of Quarries

A number of statutes place restrictions or constraints on the development and operation of quarries.

Where a quarry is located in a designated wooded district, including Provincial Parks and Provincial Forests, the operator is required to obtain a work permit from the Fire Guardian, Local Conservation Officer or Park Ranger.

The Fires Prevention Act (Cap. F 80)

The Minister may prescribe conditions and restrictions on quarrying activity in Provincial Parks and Provincial Forests.

The Provincial Park Lands Act (Cap. P 20) -MR 199/74, Sec. 4(5), 12, 13, 15
The Forest Act (Cap. F 150)

A permit is required to quarry within 125 feet of a gas pipe line.

The Gas Pipe Line Act (Cap. G 50) Sec. 28

A permit is required to quarry within 40 yards of a railway right-of-way.

The Railway Act (R.S.C.) R-2, Sec 137

A permit is required to quarry within a certain distance of a roadway.

Mines Act (Cap. M 160 Sec. 3(3)

A permit is required to cut timber on Crown lands.

The Forest Act (Cap. F 150)

A permit is required to quarry in a designated wildlife area. *The Wildlife Act (Cap. W 140)*

A permit is required to quarry in an historic site. *The Historic Sites and Objects Act (Cap. H70)*

A drilling permit is required for each well drilled for the purpose of exploring for or obtaining quarry minerals. *The Industrial Minerals Drilling Act (Cap. I 20)*

On privately owned land, the local municipality has the authority under both the Municipal Act and the Planning Act to control surface quarrying activity through by-laws/development plans. This includes the authority to establish operating conditions (i.e. noise - dust - vibration levels, setback from property boundaries, screening, establishment of working hours, rehabilitation, etc., or to restrict quarrying activity. *The Municipal Act (Cap. M 225) Sec. 319*

The Planning Act (Cap. P 80)

Development plans drawn up under The Planning Act, identify factors critical to the development of a Planning District. Extraction of aggregates may be designated as a conditional land use subject to the Quarry Minerals Regulations, which includes provisions for the rehabilitation of commercial quarries. *The Planning Act (Cap. P 80) Sec. 27(4)a*
The Mines Act (Cap. M 160) -MR 226/76

Zoning by-laws dealing with land use controls may be passed by the Council of a Municipality in an area where a Development Plan or basic planning statement has been adopted. The Plan may contain provisions prohibiting the establishment of sand and gravel pits or quarries; the excavation or filling in of land; or the removal or movement of soil or other material from land. *The Planning Act (Cap. P 80) Part V Sec. 41(2)*

The Highways Protection Act may restrict quarrying or building adjacent to a highway or prohibit or impose restrictions on access to provincial highways. Load restrictions are imposed and may be more stringent during the spring. *The Highways Protection Act (Cap. H 50)*
The Highways Traffic Act (Cap. H 60)

Quarrying and stockpiling of material within 50 feet of the property boundary is prohibited except with the agreement or approval of the adjacent property owner. *Mines Act (Cap. M 160) -MR 226/76 Sec. 71*

Buildings and structures must be properly designed and those in excess of 6,000 square feet must be approved by the Mechanical Engineering Branch of Manitoba Labour & Employment Services for structural integrity. *Building & Mobile Homes Act (Cap. B 93) (Manitoba Building Code)*

Pressure vessels when in excess of a certain size must be licensed and under the control of an operator licensed for the type and capacity of the equipment employed. *Steam & Pressure Plants Act (Cap. S 210)*

Electrical installations from the main supply transformer or substation must be made in accordance with regulations under the Mines Act. *Mines Act (Cap. M 160) -MR 254/72 Sec. 13*

Approval is required for the diversion of any surface or ground water or the drilling of a well for water. *The Water Rights Act (Cap. W 80)*

The owner or operator of a quarry is required to keep up-to-date plans of his operations and to file statistical returns. *Mines Act (Cap. M 160) Sec. 41*

Health & Safety

All conditions pertaining to health and safety at mines also apply to quarries. The reader is therefore referred to this section under MINING.

ENVIRONMENTAL CONTROLS

The environmental controls which apply to mining also apply to quarrying. The reader is therefore referred to this section under MINING.

ABANDONMENT AND REHABILITATION OF QUARRIES

Prior to the commencement of operation of a commercial quarry (that from which more than 2,000 cubic yards are removed annually) every operator must submit, among other things, a rehabilitation plan in accordance with Appendix B of MR 226/76 to the Director accompanied by:

Mines Act (Cap. M 160)
·MR 226/76 (am. 152/77)
Sec. 69(a)

(i) a fee of $5.00
(ii) a cash deposit varying from $5,000 for 1 - 3 quarries to $50,000 for 10 or more quarries.

The rehabilitation plan must be updated every 3 years and the cash deposit is refundable upon receipt of proof that the rehabilitation plan has been completed.

Sec. 69(b)
Sec. 70

The conditions of rehabilitation apply to operations conducted by all Crown agencies but the rehabilitation fee and deposit do not apply.

Rehabilitation requirements do not apply to the quarrying of peat.

Sec. 67

Prior to suspension of production of quarry minerals from either Crown or freehold land, the owner of a commercial quarry shall notify the Mining Recorder in writing and complete the previously submitted plan of rehabilitation.

Mines Act (Cap. M 160)
·MR 226/76 Sec. 73

Notice must also be given to the Inspector, of intent to close down a quarry.

·MR 254/73 Sec. 3.03(d)

A Crown quarry mineral disposition may be surrendered upon written notice from the holder being filed in the Mining Recorder's Office.

When a quarry is abandoned or discontinued, lands affected must be left in a condition that meets the requirements of the regulations.

Mines Act (Cap. M 160)
Sec. 53.1(2)

If a dangerous condition exists, the inspector may order an operator to correct the condition. If the operator is unknown or is no longer in the province, the Minister may cause work to be done on Crown land and the costs incurred are a debt due by the owner/operator to the Crown.

Upon discontinuation of quarrying the owner or operator is required to close dangerous openings, slope dangerous pit walls and to guard against inadvertent access.

·MR 254/73
Sec. 3.04(1), (3), (4)

ROYALTIES, TAXES & OTHER CHARGES

Royalties are payable by all persons or companies removing Crown quarry minerals at the time that the quantity removed is reported. The rates are set out in Schedule "A" of MR 226/76. Commonly extracted quarry minerals are currently assessed at the following rates:

Mines Act (Cap. M 160)
·MR 226/76

Bentonite	50¢ per ton
Clay	15¢ per ton
Gravel	25¢ per ton
Gypsum	25¢ per ton
Peat	7.5¢ per ton
Common Stone	5¢ per ton
Sand (used for fill)	10¢ per ton
Silica Sand	30¢ per ton
Shale	15¢ per ton

Schedule A

Crown agencies and contractors working for a Crown agency, are exempt from royalty payments for material used for public purposes.

·MR 226/76 am. MR 152/77 Sec. 66(3), 66(4)

Under The Retail Sales Tax Act, sales tax must be collected by the vendor on sales of quarry minerals in the province, whether such quarry minerals are obtained from Crown or private sources. Such sales tax shall be remitted to the Minister at the prescribed time.

The Retail Sales Tax Act (Cap. R 150) Sec. 10

Every operator is required to pay income tax under the Income Tax Act (Canada) on income earned in Canada.

Municipal assessment procedures consider that sand and gravel (and other quarry minerals) form part of the surface pursuant to the Sand and Gravel Act, which states that subject to section 7 of the Act, sand and gravel shall be deemed to be, and have always been, a part of the surface of the land unless reserved to the Crown. Gravel bearing land is therefore assessed under personal property assessment and quarrying plant and equipment are liable for similar assessment. The level of assessment is not consistent throughout the province. The Rural Municipality of Springfield, for example, assesses gravel producing land at $300 per acre while adjacent agricultural land is assessed at $30 per acre. Gravel producing land in other municipalities is assessed at rates more comparable to those for agricultural land.

The Municipal Act (Cap. M 225)

The Sand & Gravel Act (Cap. S 15) Sec. 5(1) Sec. 7

LEGISLATION AFFECTING QUARRYING IN MANITOBA

Statutes of Manitoba	Administering Agency	Contact
The Mines Act (Cap. M 160)	Manitoba Energy & Mines	Director of Mines Ph: (204) 945-6505
Manitoba Regulation 226/76 (as amended by MR 152/77	Manitoba Energy & Mines	Chief Mining Recorder Ph: (204) 945-6528
Manitoba Regulation 254/73 (as amended by MR 50/76, 33/77 133/77)	Manitoba Energy & Mines	Chief Mining Engineer Ph: (204) 945-6519
The Manitoba Natural Resources Act (Cap. N 30)	Manitoba Energy & Mines	Director of Mines Ph: (204) 945-6505
The Sand & Gravel Act (Cap. S 15)	Manitoba Energy & Mines	Director of Mines Ph: (204) 945-6505
The Industrial Minerals Drilling Act (Cap. I 20)	Manitoba Energy & Mines	Director of Mines Ph: (204) 945-6505
The Real Property Act (Cap. R 30)	Manitoba Attorney-General	Registrar General Ph: (204) 945-2242
The Corporations Act (Cap. C 225)	Manitoba Consumer & Corporate Affairs	Director, Corporations & Business Names Branch Ph: (204) 945-2651
The Gas Pipe Line Act (Cap. G 50)	Manitoba Consumer & Corporate Affairs	Chairman, Public Utilities Board Ph: (204) 945-2640
The Workers Compensation Act (Cap. W 200)	Workers Compensation	Chief Executive Officer, Workers Compensation Board Ph: (204) 786-5471
The Crown Lands Act (Cap. C 340)	Manitoba Natural Resources	Chief of Crown Lands Ph: (204) 945-6652
The Forest Act (Cap. F 150)	Manitoba Natural Resources	Director of Forestry Branch Ph: (204) 945-7987
The Provincial Park Lands Act (Cap. P 20) — MR 199/74	Manitoba Natural Resources	Director of Parks Branch Ph: (204) 945-4413
The Wildlife Act (Cap. W 140)	Manitoba Natural Resources	Director of Parks Branch Ph: (204) 945-4413
The Fires Prevention Act (Cap. F 80)	Manitoba Natural Resources	Director of Forestry Branch Ph: (204) 945-7987
The Public Health Act (Cap. P 210) — MR 95/74 (Am. MR 258/76) — Regulation P210-R3 — Regulation P 210-R3 — Regulation P210-45	Manitoba Environment & Workplace Safety & Health	Director, Environmental Control Services Ph: (204) 945-7008
The Clean Environment Act (Cap. C 130)	Manitoba Environment & Workplace Safety & Health	Director, Environmental Control Services Ph: (204) 945-7008
The Noxious Weeds Act (Cap. N 110)	Manitoba Agriculture	Director, Soils & Crops Branch Ph: (204) 945-3822
The Water Rights Act (Cap. W 80)	Manitoba Natural Resources	Director, Water Resources Branch Ph: (204) 945-6399

Statutes of Manitoba	Administering Agency	Contact
The Workplace Safety & Health Act (Cap. W 210) — MR 210/77 — MR 158/77 — MR 205/77 — MR 208/77 — MR 204/77 — MR 207/77 — MR 209/77	Manitoba Environment & Workplace Safety & Health	Director, Workplace Safety and Health Branch Ph: (204) 945-3605
The Highways Protection Act (Cap. H 50)	Manitoba Highways & Transportation	Assistant Deputy Minister Ph: (204) 945-3772
The Highways Traffic Act (Cap. H 60)	Manitoba Highways & Transportation	Assistant Deputy Minister Ph: (204) 945-3772
Building & Mobile Homes Act (Cap. B 93)	Manitoba Labour	Director, Mechanical & Engineering Ph: (204) 945-3374
The Gas & Oil Burner Act (Cap. G 30)	Manitoba Labour	Director, Mechanical & Engineering Ph: (204) 945-3374
Steam and Pressure Plants Act (Cap. S 210)	Manitoba Labour	Director, Mechanical & Engineering Ph: (204) 945-3374
The Electricians' Licence Act (Cap. E 50)	Manitoba Labour	Director, Mechanical & Engineering Ph: (204) 945-3374
The Municipal Act (Cap. M 225)	Manitoba Municipal Affairs	Director, Municipal Planning Ph: (204) 945-2158
The Planning Act (Cap. P 80)	Manitoba Municipal Affairs	Director, Municipal Planning Ph: (204) 945-2158
The Retail Sales Tax Act	Manitoba Finance	Director, Mining & Use Taxes Ph: (204) 945-3288

Statutes of the Government of Canada	Relevance	Administering Agency	Contact
The Explosives Act (R.S.C. 1970, c. E-15)	Regulates the importation, transportation and storage of explosives	Energy, Mines & Resources Canada	Chief Inspector of Explosives, Energy, Mines and Resources Canada, Resources 580 Booth Street, Ottawa K1A 0E4
— The Explosives Regulations (P.C. 1956-349)	Regulates the importation, transportation and storage of explosives.	Energy, Mines & Resources Canada	Chief Explosives Branch, Energy Mines and Resources Canada. 580 Booth Street, Ottawa K1A 0E4
— The Ammonium Nitrate and Fuel Order (P.C. 1957-335)	Regulates blending of ammonium nitrate and fuel oil and overnight storage.	Energy, Mines & Resources Canada	Chief Inspector of Explosives, Explosives Branch, Energy, Mines and Resources Canada, 580 Booth Street, Ottawa K1A 0E4
The Railway Act (R.S.C. 1970) c. R-2, Sec. 137	Limits mining related activities to prescribed distances from railway rights-of-way.	Transport Canada	Chief of Rail Crossings & Construction, Canadian Transport Commission, 301-303 Main St. Winnipeg, Manitoba Ph: (204) 949-4214
National Parks Act (R.S.C. 1970 c. N-13)	Parks Canada prohibits commercial exploration and exploitation of natural resources within National Parks.	Parks Canada	Director Prairie Region, Parks Canada, 400-391 York Avenue, Winnipeg, Manitoba Ph: (204) 949-2127
The Indian Act (R.S.C. 1970, c. I-6)	Limits access to and mineral production from Reserve lands. Applications for prospecting license or permit for exploration must be made to Dept. of Indian Affairs & Northern Development, who will contact Indian Board.	Indian Affairs and Northern Development Canada	Manager, Indian Minerals 1 Front St. W. Toronto, Ontario Ph: (416) 369-4615
The Foreign Investment Review Act (R.S.C. 1973-74, c.46) — Regulation (DITC-2)	Provides for review of new ventures and acquisitions of Canadian business by "non-eligible persons" defined as neither Canadian citizens nor landed immigrants.	Industry and Commerce Canada	Deputy Minister, Manitoba Economic Dev. & Tourism Ph: (204) 945-3751 Note: Will provide advice and referral to FIRA.
Canada Wildlife Act (R.S.C. 1973-74, c. 21) — Uses of Wildlife Areas (Regulation EC-17)	Places limitations on land use in national wildlife areas.	Environment Canada	Canadian Wildlife Service, 501 University Cresc., Winnipeg, Manitoba. Ph: (204) 269-7379
The Clean Air Act (R.S.C. 1970-71-72, c.47) — Regulation EC-27 (SOR/77-265) — Guideline EC-1	Regulations under this Act set minimum standards of ambient air quality and air pollution control.	Environment Canada	*Director, Environmental Control Services, 139 Tuxedo, Winnipeg, Man. R3N 0H6 Ph: (204) 945-7008
Fisheries Act (R.S.C. 1970, F-14) — Regulation EC-8, 9, 10	Alterations & discharges to watercourses. Pertains to the design of structures within watercourses and the release of deleterious substances into surface waters.	Environment Canada	Regional Director, Northwest Region, 10th Floor, Room 901 Imperial Oil Bldg., 10025 Jasper Avenue, Edmonton, Alta. T5J 2X9

Statutes of the Government of Canada	Relevance	Administering Agency	Contact
Navigable Waters Protection Act (R.S.C., 1970, c. N-19) — TC-2	Approval of the Minister is required for all works or installations affecting navigable waters.	Transport Canada	Base Manager, Canadian Coastguard, Selkirk, Manitoba Ph: (204) 482-5813
The Environmental Contaminants Act (R.S.C. 1974-75-76, c.72)	Protects human health and environment from designated contaminants.	Environment Canada	Director, Environmental Control Services, 139 Tuxedo, Winnipeg, Man. R3N 0H6 Ph: (204) 945-7008
Guideline EC-11. Exploration and Development. Environment Code of Practice for Mines.	Provides guidelines for environmentally sound policies during exploration and development phases of mine development.	Environment Canada	Director, Environmental Control Services, 139 Tuxedo, Winnipeg, Man. R3N 0H6 Ph: (204) 945-7008
Guideline EC-12. Operation Environmental Code of Practice for Mines.	Outlines a number of environmentally sound operating procedures.	Environment Canada	Director, Environmental Control Services, 139 Tuxedo, Winnipeg, Man. R3N 0H6 Ph: (204) 945-7008

III OIL & NATURAL GAS

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ACQUISITION OF OIL & NATURAL GAS RIGHTS

Potential hydrocarbon bearing sedimentary rocks are located in two areas of the Province, separated by the Precambrian Shield. The southwestern portion of the Province lies on the northeastern edge of the Williston sedimentary basin while the Hudson Bay lowlands form part of the Hudson Bay sedimentary basin.

In southwestern Manitoba, approximately 20 per cent of the mineral rights are owned by the Provincial Crown. The remaining 80 per cent, excepting some owned by the Federal Crown and Indian Reservations, are privately owned or freehold rights. Except for small sections owned by the Federal Crown, the mineral rights in the Hudson Bay lowlands areas are largely owned by the Provincial Crown.

To acquire an interest in freehold oil and natural gas rights a concession must be obtained from the mineral owner. A lease, or in some cases purchase agreement, is negotiated with the private mineral owners. No person or company may purchase or acquire an interest in oil or natural gas mineral rights unless he or the company is registered as a mineral interest broker under The Securities Act.

The Securities Act (Cap. S 50) Part XV

To obtain the exclusive rights to explore and develop provincial Crown owned oil and natural gas rights in southwestern Manitoba, the interested party must request that the Minister post the rights for sale as either leases or exploration reservations. **Leases** are for an initial five year term and grant the holder the exclusive right to drill for and produce oil and natural gas from the leased lands. Renewal provisions are in place for productive portions of leases upon expiry of the initial term. **Exploration Reservations** are larger tracts of land upon which the holder is granted the exclusive right to drill for oil and natural gas. Before expiry of the three year term, the holder may convert all or part of the reservation to lease based on the amount of drilling done on the reservation. An outline of these two forms of Crown oil and natural gas rights tenure is presented in the table below titled "Manitoba New Crown Oil and Natural Gas Rights Tenure System".

The Mines Act (Cap. M160)
·MR M160-R1P am.
·MR 231/78 and
·MR 90/80

Sales by sealed tender are held on scheduled dates and, if acceptable, the highest bidder receives a lease/reservation on the Crown oil and natural gas rights.

For Crown rights in the Hudson Bay lowlands region, a party may, on application to the Director, acquire an exploratory permit and subsequently a lease.

The Mines Act (Cap. M160)
·MR M160-R1P (Part VI)

To acquire dispositions of Crown rights, the holder must either be a person 18 years of age or over or a corporation incorporated or registered to do business in Manitoba.

The Corporations Act (Cap. C 225)
The Business Names Registration Act (Cap. B 110)

New ventures or acquisitions of Canadian business by "non-eligible persons", defined as neither Canadian citizens nor landed immigrants, are subject to review by the Foreign Investment Review Agency.

The Foreign Investment Review Act (R.S.C. 1973-74, C. 46)

Exploration, development and extraction of mineral resources are prohibited in National Parks.

National Parks Act (R.S.C. 1970, C. n-13)

To prospect, explore or mine in an Indian Reserve where mineral rights are not owned by the province, a licence or permit must be obtained from Indian and Northern Affairs Canada. Approval of the Indian Band is required before a licence or permit is granted.

The Indian Act
(R.S.C. 1970, C. I-6

MANITOBA

New Crown Oil & Natural Gas Rights Tenure System

(Effective January 1, 1979)

	Exploration Reservation		**Crown Oil and Natural Gas Lease**
Form:		*Form:*	
Size:	Minimum — 3 sections Maximum — 15 sections	*Size:*	Minimum — 1/4 section (where available) Maximum — 3 sections (contiguous)
Acquisition:	Land Sale	*Acquisition:*	Land Sale or Application from Exploration Reservation
Cost:	Application Fee — $250.00 First year rental @ $1.25/hectare Bonus Offer	*Cost:*	Application Fee — $50.00 First year rental @ $2.50/hectare Bonus Offer (when from Sale)
Term:	3 years (unless otherwise specified)	*Term:*	5 year initial term
Rental:	$1.25 per hectare	*Rental:*	$2.50/hectare for first year **or** if productive, otherwise $5.00/hectare per year (minimum rental — $10.00/lease)
Work Commitment:	Must drill well on Reservation to qualify for lease selection.		
Max. Lease Selection	As per formula: dependent on depth drilled on Res. (greater of 2 sections **OR** 1/4 section per every 60 metres drilled) Eg.: 500 metres or less = 2 sections 1000 metres = 4 sections 1500 metres = 6-1/4 sections 2000 metres = 8-1/4 sections 2500 metres = 10-1/4 sections 3000 metres = 12-1/2 sections 3500 metres = 14-1/2 sections 4000 metres = 15 sections	*Termination:*	*Existing Leases* — All non-productive drilling spacing units and formations below producing formation in productive spacing units revert to Crown at the latter of the current lease term or December 31, 1982 (subject to extension provisions). *New Leases* — At end of initial 5 year term all non-productive quarter sections revert to Crown (subject to extension provisions). — At end of first 5 year renewal period all non-productive drilling spacing units and formations below producing formation in productive spacing units revert to Crown. (subject to extension provisions).
Extension:	Possible one year if well drilled or drilling. Rental — $2.50/hectare	*Extensions:*	Maximum of 5 one year extension periods on payment of additional rental penalty. (Rental penalty: $2.50/hectare — 1st year, $5.00/hectare — 2nd year, $12.50/hectare — 3rd, 4th and 5th years.)
		Renewals:	If productive, subject to termination provisions. Maximum 5 year term each. Application Fee — $25.00

EXPLORATION

Any company wishing to do business in Manitoba must be registered under The Corporations Act and The Workers Compensation Act.

The Corporation Act (Cap. C 225)
The Workers Compensation Act (Cap. W200)

Before any geophysical (including seismic, vibroseis, magnetic and gravity surveys) or geological (geological or stratigraphic test holes) operations are undertaken, a license for that purpose must first be obtained from the Petroleum Branch. Requirements respecting fees, performance deposits and information to accompany application and final reports are prescribed by the regulations.

The Mines Act (Cap. M160)
·MR 202/82

If operations are to be conducted on road allowances then a Road Allowance Permit approved by Manitoba Energy and Mines, and Manitoba Highways and Transportation is also required. Operators are required to keep the district offices of the Petroleum Branch, Highways and Municipalities informed of their operations.

When work is to be carried out on land other than road allowances, then the consent of both the surface rights owner and occupant must first be obtained. When such right-of-entry cannot be obtained, The Surface Rights Board may, on application, make an order authorizing the right-of-entry.

The Surface Rights Act (Cap. S235), Part III

Operations requiring the use of explosives (i.e. seismic) must be carried out in compliance with The Explosives Act (Canada) and regulations under The Manitoba Workplace Safety and Health Act. The federal Act pertains to the transportation and storage of explosives while the Manitoba Regulation requires any person handling explosives to be a blaster certified in Manitoba.

The Explosives Act (Canada) R.S.C. 1970, E-15)
· The Explosives Regulation (P.C. 1956-349 as amended)
The Workplace Safety & Health Act (Cap. W210)
·MR 204/77

Certain Crown lands may be set aside for various public and private purposes, e.g. provincial forest, forest management licences, parks wildlife areas, sanitary areas, and various forms of terminable leases, in which case specific permission must be obtained from the appropriate agency for entry on to those areas for mining activities. Prior to undertaking any activity in a forested area or a provincial park, occupany and work permits must be obtained from the agency responsible for the administration of the applicable statutes. The permit may set out general conditions for the prevention of forest fires and other conditions that are specific to the activity location. (e.g. nearness of camps, etc., to logging, fireguards and access trails).

The Forest Act (Cap. F 150)
The Provincial Park Lands Act (Cap. P 20)
·MR 199/74, Sec. 4(5)., 12, 13, 15
The Wildlife Act (Cap. W 140)
The Mines Act (Cap. M 160)
·MR 147/81 Sec. 4(1), 64(1)
The Historic Sites and Objects Act (Cap. H 70)
The Fires Prevention Act (Cap. F 80)

All timber cut, harvested or removed from any Crown lands as a result of mining related activities should be done under the authorization of a timber cutting permit. The timber cutting permit should be acquired prior to any such undertaking.

Work permits relative to Forest Protection and fire control must be obtained from Manitoba Natural Resources prior to any mining related activity being undertaken in the wooded zone.

DRILLING

The Mines Act (Cap. M160)
-MR M160 R1P, Part IV

Prior to commencement of drilling of a well for oil or gas exploration or production purposes, the operator must acquire a drilling license for the proposed well from the Petroleum Branch. Submission requirements pertaining to the license application include legal survey plans of wellsite and access road; consent to right-of-entry from surface rights owner and occupant; documentation to support applicant's interest in oil and natural gas rights; and a performance deposit and application fee. Provisions in the Regulations also govern permissible surface locations; casing and cementing requirements; blow-out prevention equipment; general operational procedures; and submission of drilling reports, well logs, drill cutting samples, cores and other technical data including well abandonment applications.

OIL & GAS PRODUCTION

Operating Wells

Regulations under The Mines Act govern the operation of oil wells (producing, salt water disposal or injection, water supply, etc.). Requirements for well completions, spacing of surface production facilities, fluid measurement, water disposal, pits, lease housekeeping, oil storage, pipelines, monthly production reports, new well reports, workover applications, etc., are prescribed.

The Mines Act (Cap. M 160)
-MR M160-R1P, Part IV

Manitoba Revised Regulations M160-R2P to R9P under The Mines Act are regulations (Orders of the Oil and Natural Gas Conservation Board) pertaining to surface casing requirements, designation of fields, setting maximum production rates for wells, setting well spacing areas, restricting water and gas production, ordering subsurface disposal of salt water, pressure maintenance projects and pooling of lands for drilling and production purposes authorized under Section 62(9) of The Mines Act.

The Mines Act (Cap. M 160)
-MR M160-R2P to R9P

Other provisions in effect pertain to Orders of the Oil and Natural Gas Conservation Board authorizing certain unitization agreements.

The Mines Act (Cap. M 160)
Sec. 76

The Pipe Line Act governs the construction and operation of crude oil, oil product and salt water pipe lines that are situated wholly within the province. The Interprovincial Pipe Line falls under Federal jurisdiction, whereas Norcen Pipelines falls under Provincial jurisdiction. Gas transmission lines located wholly within the province are governed by The Gas Pipe Line Act, administered by The Public Utilities Board, whereas the Trans-Canada pipeline falls under Federal jurisdiction.

The Pipe Line Act (Cap. P 70)
The Gas Pipe Line Act (Cap. G 50)

The Gas Storage and Allocation Act governs the exploration, development and utilization of underground formations for the purpose of storing natural gas. The Act falls under the jurisdiction of The Oil and Natural Gas Conservation Board and The Public Utilities Board.

The Gas Storage and Allocation Act (Cap. G 52)

Health & Safety At Wells

Regulations under the Mines Act contain provisions relating to fire hazards, smoking restrictions, reports of fires, spacing of surface production facilities for safety, and blow out prevention equipment.

The Mines Act (Cap. M 160)
-MR M160-R1P, Part IV

The transportation, storage and use of explosives are regulated under the Explosives Act (Canada) and the Workplace Safety and Health Act.

The Explosives Act (Canada) (R.S.C. 1970. E-15)
The Workplace Safety & Health Act (Cap. W 210)
-MR 204/77
-MR 158/77
-MR 209/77
-MR 208/77
-MR 210/77
-MR 207/77
-MR 205/77

ENVIRONMENTAL CONTROLS

Regulations under The Mines Act contain provisions pertaining to venting or flaring of waste gas, subsurface disposal of salt water, containment of drilling and production fluids, weed control on leases, oil and salt water spills, clean up, and restoration requirements.

The Mines Act (Cap. M 160)
·MR M160-R1P, Part IV
The Clean Environment Act (Cap. C 130)
The Noxious Weeds Act (Cap. N 110)

Special permits must be obtained from the Director for constructing flare pits or emergency storage pits. All emergency storage pits must have liners installed.

The Surface Rights Act (Cap. S 235)

The handling, storage and disposal of salt water produced along with crude oil are prescribed by regulation.

The Mines Act (Cap. M 160)
·MR M160-R7P

Any dispute between the operator and the surface owner relating to pollution or protection of the surface may be referred to The Surface Rights Board for arbitration.

The Surface Rights Act (Cap. S 235)

ROYALTIES AND TAXES

The Mines Act (Cap. M160)
·MR M160-R1P, Part II
am. MR 231/78
·MR 90/80
·MR 269/82

Production from provincial Crown owned oil and natural gas rights is subject to royalty charges under The Mines Act. On crude oil, the royalty charged is dependent on the classification on the oil produced (i.e. new oil or old oil), the production rate of the well, and whether the oil is produced from a new well that is still within its royalty incentive period. The graph below titled "Manitoba Crown Oil Royalty Rates" (effective January 1, 1979) gives the approximate levels of royalty rates.

The Securities Act (Cap. S 50) Part XV

Leasing arrangements with owners of privately held oil and natural gas rights usually provide for a royalty payment to the lessor on any production sold from the lease.

The Oil and Natural Gas Tax Act (Cap. O 35)

Privately owned mineral rights in Manitoba from which oil or natural gas are being produced are subject to a mineral tax levied against the owner under The Oil and Natural Gas Tax Act. Oil and natural gas are defined as minerals under The Mines Act. Normally, lease agreements contain provisions whereby the lessee is responsible for that portion of the tax proportional to his share of production from the property. The Act provides for payment by the lessee ("the beneficial owner") of the total tax due, who in turn may deduct the lessor's portion from the normal royalty payment to the lessor.

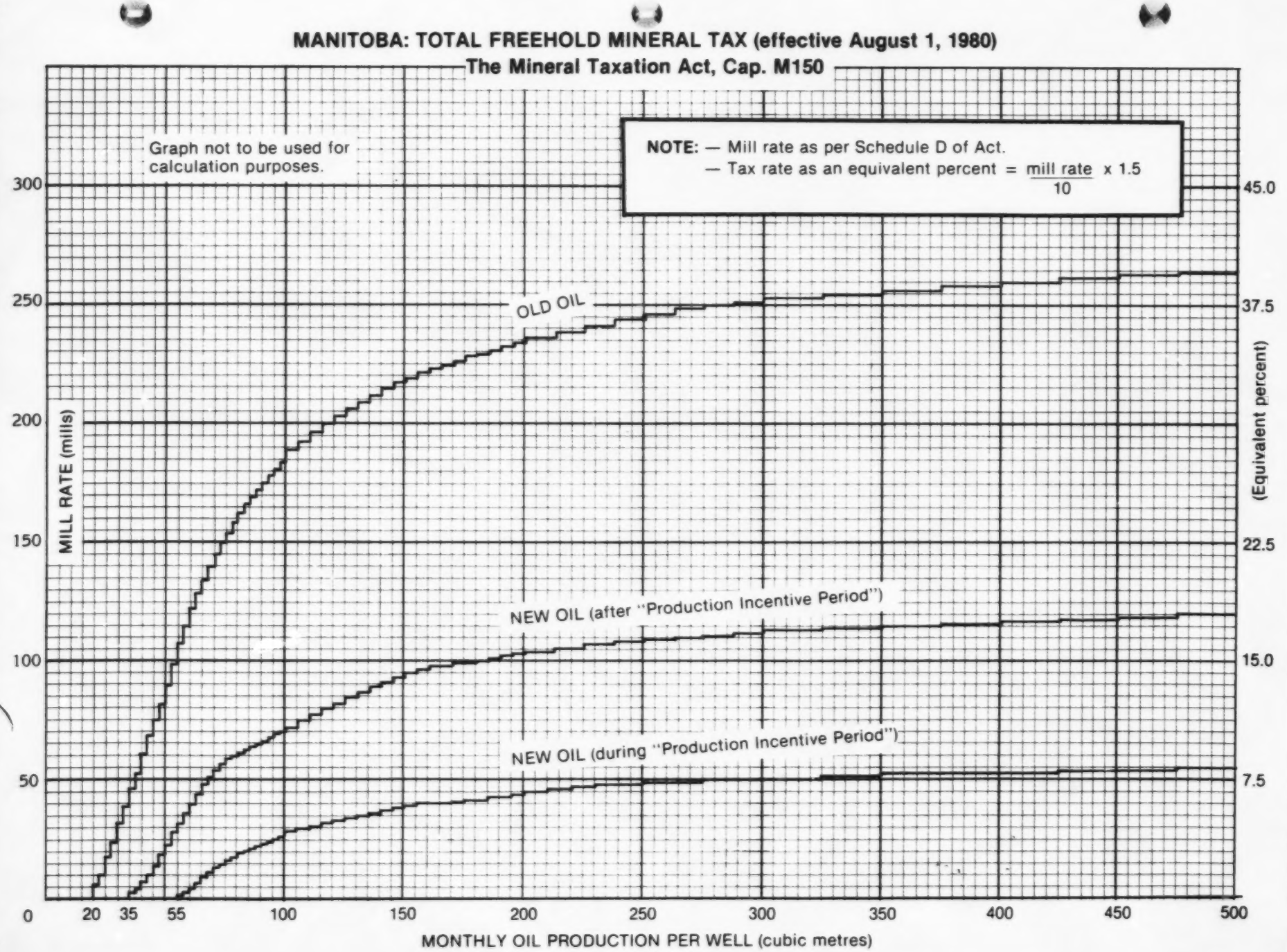
The mineral tax on producing privately owned mineral rights, like the royalty charged on production from Crown rights, is related to the classification of the well on the property (new well or old well), the production rate of the well and whether the well is a new well still producing within its production incentive period. The graph below titled "Manitoba: Total Freehold Mineral Tax" (effective August 1, 1980) gives the approximate levels of mineral tax rates.

The Municipal Assessment Act (Cap. M 226)

Certain oil field installations are subject to a municipal tax levied against the assessed value of the equipment on the lease.

Every operator and mineral rights owner is subject to Canadian Income Tax on income earned in Canada. In addition, Canadian oil and gas production may be subject to taxes and certain incentives under various parts of Canada's National Energy Program (NEP). Please contact the following for current information:

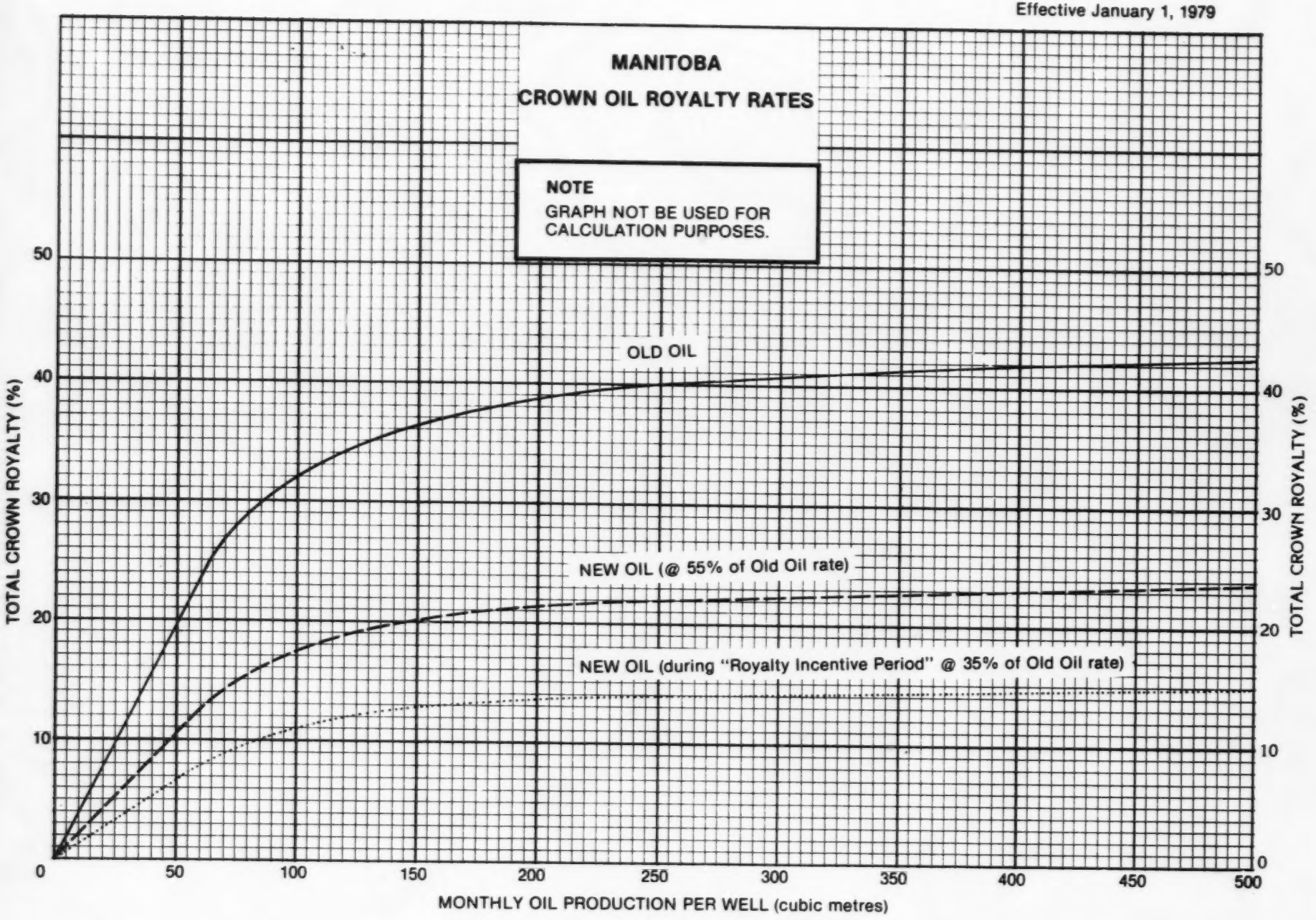
Income Tax — District offices of Revenue Canada at most major centres.
Oil & Gas Taxes (under NEP) — District offices of Revenue Canada at most major centres.
Incentives (under NEP) — Petroleum Incentives Administration, Energy, Mines & Resources Canada (P.O. Box 2907, Station "M", Calgary, Alberta, T2P 3L7).
Incentives (under Provincial Royalties and Taxes) — Director, Petroleum Branch (555-330 Graham Avenue, Winnipeg).


MANITOBA: TOTAL FREEHOLD MINERAL TAX (effective August 1, 1980)
The Mineral Taxation Act, Cap. M150
Graph not to be used for calculation purposes.
NOTE: — Mill rate as per Schedule D of Act.
— Tax rate as an equivalent percent = mill rate / 10 x 1.5
OLD OIL
NEW OIL (after "Production Incentive Period")
NEW OIL (during "Production Incentive Period")
MILL RATE (mills)
(Equivalent percent)
300
250
200
150
100
50
0
45.0
37.5
22.5
15.0
7.5
20
35
55
100
150
200
250
300
350
400
450
500
MONTHLY OIL PRODUCTION PER WELL (cubic metres)

Effective January 1, 1979

MANITOBA
CROWN OIL ROYALTY RATES

NOTE
GRAPH NOT BE USED FOR CALCULATION PURPOSES.



ABANDONMENT OF WELLS & RESTORATION OF WELL SITES

Before any well is abandoned, the operator must make application to and obtain the approval of the Director of the Petroleum Branch. Abandonment procedures must conform to procedures set out by the Director. In the event that an operator fails to properly abandon a well to the satisfaction of the Director or to rehabilitate the lease site in a manner satisfactory to the surface owner and the Department, the performance deposit covering the well held by the Department will be used to defray the cost incurred by the Department to complete the abandonment or clean-up.

The Mines Act (Cap. M160)
·MR M160-R1P

Sec. 115

Before a site may be abandoned by an operator, the operator is required to serve a notice of intention to abandon the site on the owner and occupant and with The Surface Rights Board. The Provisions of The Surface Rights Act must be complied with before the abandonment is effective.

The Surface Rights Act (Cap. S 235) Part IV

LEGISLATION AFFECTING OIL & NATURAL GAS IN MANITOBA

Statutes of Manitoba	Administering Agency	Contact
The Mines Act (Cap. M 160) · MR M 160-R1P to R9P · MR 147/81	Manitoba Energy & Mines	Director, Petroleum Branch Ph: (204) 945-6573
The Securities Act (Cap. S 50)	Manitoba Consumer & Corporate Affairs	Registration Officer Ph: (204) 945-2556
The Corporations Act (Cap. C 225)	Manitoba Consumer & Corporate Affairs	Director, Corporations & Business Names Branch Ph: (204) 945-2651
The Business Names Registration Act (Cap. B 110)	Manitoba Consumer & Corporate Affairs	Director, Corporations & Business Names Branch Ph: (204) 945-2651
The Workplace Safety & Health Act (Cap. W 210) · Regulation 158/77 · Regulation 204/77 · Regulation 205/77 · Regulation 207/77 · Regulation 208/77 · Regulation 209/77 · Regulation 210/77	Manitoba Environment & Workplace Safety & Health	Director, Workplace Safety & Health Branch Ph: (204) 945-3605
The Pipe Line Act (Cap. P 70)	Manitoba Energy & Mines	Director, Petroleum Branch Ph: (204) 945-6573
The Gas Pipe Line Act (Cap. G 50)	Manitoba Consumer & Corporate Affairs	Chairman, Public Utilities Board Ph: (204) 945-2640
The Gas Storage & Allocation Act (Cap. G 52)	Manitoba Energy & Mines and Manitoba Consumer & Corporate Affairs	Director, Petroleum Branch Ph: (204) 945-6573 Chairman, Public Utilities Board Ph: (204) 945-2640
Oil & Natural Gas Tax Act (Cap. O 35)	Manitoba Finance	Director, Mining & Use Taxes Ph: (204) 945-3288
The Forest Act (Cap. F 150)	Manitoba Natural Resources	Director of Forestry Branch Ph: (204) 945-7987
The Provincial Park Lands Act (Cap. P 20) · MR 199/74	Manitoba Natural Resources	Director of Parks Branch Ph: (204) 945-4413
The Fires Prevention Act (Cap. F 80)	Manitoba Natural Resources	Director of Forestry Branch Ph: (204) 945-7987
The Historic Sites & Objects Act (Cap. H 70)	Manitoba Cultural Affairs & Historical Resources	Director, Historic Resources Branch Ph: (204) 945-4389
The Surface Rights Act (Cap. S 235)	The Surface Rights Board	Executive Director Ph: (204) 748-2484

Statutes of the Government of Canada	Relevance	Administering Agency	Contact
The Explosives Act (R.S.C. 1970, c. E-15)	Regulates the importation, transportation and storage of explosives.	Energy, Mines & Resources Canada	Chief Inspector of Explosives, Explosives Branch, Energy, Mines & Resources Canada, 500 Booth Street Ottawa, K1A 0E4
The Explosives Regulations (P.C. 1956-349)		Energy, Mines & Resources Canada	Chief Inspector of Explosives, Explosives Branch, Energy, Mines & Resources Canada, 500 Booth Street Ottawa, K1A 0E4
The National Parks Act (C.R.S.C. 1970, C.N-13)	Parks Canada prohibits commercial exploration and exploitation of natural resources within National Parks	Parks Canada	Director, Prairie Region Parks Canada 400-391 York Avenue, Winnipeg, Manitoba Ph: (204) 949-2127
The Indian Act (R.S.C. 1970, C 1-6)	Limits access and mineral production from Reserve lands. Application for exploration must be made to Department of Indian Affairs who will contact Indian Band.	Indian Affairs & Northern Development Canada	Manager, Indian Minerals, 1 Front Sw. W Toronto, Ontario Ph: (416) 369-4615
The Foreign Investment Review Act (R.S.C. 1973-74, c.46)	Provides for review of new ventures and acquisitions of Canadian business by "non-eligible persons" defined as neither Canadian citizens nor landed immigrants.	Industry and Commerce Canada	Deputy Minister, Manitoba Industry, Trade & Technology Ph: (204) 945-3751 Note: Will provide advice & referral to FIRA.